

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-2.0020 Charter School Capital Outlay.

PURPOSE AND EFFECT: In the 2016 legislative session, section 1013.62, F.S., was amended to change the eligibility criteria for capital outlay from three years of school operation to two and clarified that evidence of a financial emergency condition would render an applicant ineligible. In addition to the changes above, the proposed rule also: Specifies thresholds for feeder patterns; establishes deadlines for providing evidence of SACS accreditation; and determines what constitutes failure to meet satisfactory student achievement for purposes of receiving capital outlay. The rule will also incorporate IEPC-CO1, the official application necessary to request capital outlay.

SUBJECT AREA TO BE ADDRESSED: Charter School Capital Outlay.

RULEMAKING AUTHORITY: 1001.02, 1002.33, 1013.62, FS.

LAW IMPLEMENTED: 1013.62. FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 9, 2017, 10:00 a.m. - 11:00 a.m. The call will be extended beyond 11:00 a.m. if there is still participation at that time.

PLACE: Via conference call 1(888)670-3525. Participant code: 9945174167.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adam Emerson, Charter Schools Director, Department of Education, 325 West Gaines Street, Suite 1044, Tallahassee, FL, 32399, (850)245-0502, adam.emerson@fldoe.org. To comment on this rule development, please go to <https://app1.fldoe.org/rules/default.aspx>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-2.0020 Eligibility for Charter School Capital Outlay.

The following provisions are established for the determination of eligibility of charter schools pursuant to Section 1013.62, F.S. Except as expressly provided herein, proof of eligibility requirements must be provided to the Department by July 1 of the fiscal year for which the charter school seeks funding. The

continuation of funding is dependent upon maintaining eligibility requirements during the fiscal year.

(1) A charter school may be considered a part of an expanded feeder chain under Section 1013.62, F.S., if it either sends or receives at least sixty (60) percent a majority of its students directly to or from a charter school that is currently receiving capital outlay funding in the same fiscal year for which the charter school seeks funding pursuant to Section 1013.62, F.S. A charter school must submit an application by the deadline in subparagraph (7)(a) of this rule. The Department shall determine eligibility by applying the feeder chain criteria in Section 1013.62(1)(a)1.c., F.S., to the fiscal year's data from the October full-time equivalent (FTE) student enrollment survey conducted pursuant to Section 1011.62(1)(a), F.S., in the same fiscal year for which the charter school seeks funding. The Department shall calculate the funding amount associated with a school for which enrollment projections are estimated to meet the feeder chain eligibility criteria and shall distribute funds generated by the formula in Section 1013.62, F.S., upon proof of an expanded feeder chain from the October FTE student enrollment survey data.

(2) Pursuant to Section 1013.62(1)(a)1.d., F.S., charter schools that have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools may be eligible for charter school capital outlay. The eligibility requirement for satisfactory student achievement under Section 1013.62, F.S., shall be determined in accordance with the language in the charter contract and the charter school's current school improvement plan if the school has a current school improvement plan. A charter school receiving an "F" grade designation through the state accountability system, as defined in Section 1008.34, F.S., shall not be eligible for capital outlay funding for the school year immediately following the designation. Proof of accreditation by the Southern Association of Colleges and Schools Commission on Schools must be delivered to the Department by the deadline established in subparagraph (7)(a) for the fiscal year for which the charter school seeks funding to meet the eligibility requirement in Section 1013.62(1)(a)1.d., F.S. The continuation of funding is dependent upon maintaining accreditation during the current fiscal year. A charter school that expects to be accredited during a fiscal year shall include documentation of application for accreditation. The Department shall estimate the funding amount associated with a charter school anticipating accreditation during the fiscal year and distribute funds generated by the formula in Section 1013.62, F.S., upon proof of final accreditation, if proof of accreditation for the school year is received by the Department prior to April 1 of the fiscal year for which the charter school seeks funding. If the

Department does not receive proof of a charter school's official accreditation by April 1, the charter school shall be determined ineligible for that fiscal year.

(3) A charter school must have been in operation for two (2) or more full school years by July 1 of the fiscal year for which the charter school seeks funding to meet the eligibility requirement in Section 1013.62(1)(a)1.a., F.S.

(4) Satisfactory student achievement under Section 1013.62(1)(a)3., F.S., shall be determined by the school's most recent grade designation or school improvement rating from the state accountability system as defined in Sections 1008.34 and 1008.341, F.S. Satisfactory student achievement for a school that does not receive a school grade or a school improvement rating, including a school that has not been in operation for at least one school year, shall be based on the student performance metrics in the charter school's charter agreement. Allocations shall not be distributed until such time as school grade designations are known.

(a) For the 2016-17 school year, a charter school that receives a grade designation of "F" shall not be eligible for capital outlay funding.

(b) Beginning in the 2017-18 school year, a charter school that receives a grade designation of "F" or two (2) consecutive grades lower than a "C" shall not be eligible for capital outlay funding.

(c) Beginning in the 2017-18 school year, a charter school that receives a school improvement rating of "Unsatisfactory" shall not be eligible for capital outlay funding.

(5) Eligibility for the additional school weight for free or reduced price lunch and the additional school weight for students with disabilities under Section 1013.62(1)(c)1., F.S., shall be determined by the student's status as reported in the fiscal year's October FTE student enrollment survey for the fiscal year in which funding is sought. The number of students eligible for free or reduced lunch for a school that provides free breakfast and lunch to all students under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010 shall be calculated by applying the multiplier authorized in Section 11(a)(1)(F)(vii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) to the number of students reported to the Department as eligible for free meals based upon the Direct Certification determination. For schools that do not participate under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010, the number of students eligible for free or reduced price lunch shall be the number of students reported to the Department as eligible.

(6) A charter school whose most recent available audit, pursuant to Section 218.39, F.S., reveals any of the financial emergency conditions provided in Section 218.503(1), F.S., is not eligible to receive charter school capital outlay.

(a) Upon notification pursuant to Section 1002.345, F.S., that a charter school's audit reveals one or more of the financial emergency conditions in Section 218.503(1), Florida Statutes, the Department shall immediately discontinue distributions of charter school capital outlay funding for the school.

(b) A charter school shall remain ineligible to receive charter school capital outlay until the school produces an annual financial audit conducted pursuant to Section 218.39, F.S., which does not reveal any of the financial emergency conditions in Section 218.503(1), F.S., at which time capital outlay funding shall be calculated in an amount proportionate to the number of months remaining in the fiscal year.

(7) Pursuant to Section 1013.62(5), F.S., the procedures for submitting and approving an application for funding and the procedures for documenting expenditures, are as follows:

(a) Charter schools must submit an application using form IEPC-CO1, Charter School Capital Outlay Application, effective March 2017 (DOS link), which is hereby incorporated by reference in the rule, which may be accessed through

https://www.floridaschoolchoice.org/login/login_charter_school.asp. The application may be obtained by contacting the Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400. The Department will accept hard copy versions of the application. Hard copies should be sent to 325 West Gaines Street, Suite 1044, Tallahassee, Florida, 32399. Applications are due by July 1 of the fiscal year for which funding is sought. The Department may extend the deadline for all applications by posting the extended deadline on its website. The charter school shall include the purpose for which the funds will be expended. The Department shall review the application, determine eligibility, and direct the allocation and distribution of such funds in accordance with that determination.

(b) The Sponsor shall forward such funding pursuant to the provisions of Section 1002.33(17)(e), F.S., to any charter school that is determined to be eligible by the Department under this rule. The charter school shall include all disbursements and expenditures pursuant to Section 1013.62, F.S., in its monthly or quarterly financial statements pursuant to Section 1002.33(9)(g), F.S., and shall maintain all documentation of such expenditures and provide such documentation to the Sponsor upon request as necessary to monitor compliance with applicable law governing the proper use of such funds.

(c) If overpayments occur, the Department of Education will take any or all of the following actions: require a charter school to return the overpaid amount; adjust a school's allocations in future years; or seek to collect the overpayment in any manner authorized by law.

Rulemaking Authority 1001.02, 1013.62 FS. Law Implemented 1013.62 FS. History–New 12-15-09, Amended

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: RULE TITLE:

64B4-3.0075 Provisional Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the incorporated form.

SUBJECT AREA TO BE ADDRESSED: Provisional Licensure.

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.0046 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Wenhold, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-7.001 Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed change provides notice to the public of the range of potential disciplinary action that may be taken for a violation of section 456.072(1)(oo), F.S., “Willfully failing to comply with s. 627.64194 or s. 641.513 with such frequency as to indicate a general business practice.”

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines for Physical Therapists and Physical Therapist Assistants

RULEMAKING AUTHORITY: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy, 4052 Bald Cypress Way Bin C-05, Tallahassee, Florida 32399-3255.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:

19-7.002 Investment Policy Guidelines

PURPOSE AND EFFECT: To adopt the most recent revised Investment Policy Statement approved by the Trustees approved and made effective by the Trustees on August 2, 2016 for the Local Government Surplus Funds Trust Fund (Non-Qualified).

SUMMARY: To adopt the most recent Investment Policy Statement for Florida PRIME, which became effective August 2, 2016. There are no other rules incorporating this rule. The proposed amendments do not have an impact on any other rules. Legislative ratification of these rule amendments is not required.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on its analysis of the rule amendments and incorporated materials, as well as the fact that it is not a regulatory agency, the State Board of Administration has determined that the rules do not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs resulting from the proposed rule amendments. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 218.412, 218.421(1)(b), 288.405(4) FS.

LAW IMPLEMENTED: 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17), 218.418, 218.421(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Thursday, December 29, 2016, 9:00 a.m. – 11:00 a.m.

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1182, ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-7.002 Investment Policy Statements.

The Local Government Surplus Funds Trust Fund (Non-Qualified) Investment Policy Statement, as approved and made effective by the Trustees of the State Board of Administration on August 2, 2016 ~~June 23, 2015, and made effective July 1, 2015,~~
<http://www.flrules.org/Gateway/reference.asp?No=Ref-07429>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-05858>
is hereby adopted and incorporated by reference. The Investment Policy Statement may be obtained by contacting: State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, Attn.: Florida PRIME Program, or by accessing the sbafla.com website, and clicking on the Florida PRIME heading under the Funds We Manage tab. The Investment Policy Statement for the Local Government Surplus Funds Trust Fund (Non-Qualified) can be accessed under the Risk Management and Oversight section.

Rulemaking Authority 218.412, 218.421(1), 288.405(4) FS. Law Implemented 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17), 218.418, 218.421(2) FS. History—New 12-13-09, Amended 4-11-12, 1-18-14, 11-20-14, 2-18-16,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael McCauley

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 30, 2016, Volume. 42/169.

STATE BOARD OF ADMINISTRATION

RULE NOS.: RULE TITLES:

19-8.029 Insurer Reporting Requirements

19-8.030 Insurer Responsibilities

PURPOSE AND EFFECT: The State Board of Administration, Florida Hurricane Catastrophe Fund, seeks to amend Rule 19-8.029, F.A.C., Insurer Reporting Requirements, and to repeal Rule 19-8.030, F.A.C., Insurer Responsibilities, to implement Section 215.555, Florida Statutes.

SUMMARY: In general, Rule 19-8.029, F.A.C., Insurer Reporting Requirements, provides requirements relating to the reporting of exposures and losses, and Rule 19-8.030, F.A.C., Insurer Responsibilities, provides requirements relating to examination of insurer exposures and losses. The proposed amendments to Rule 19-8.029, F.A.C., retitle the Rule as “Insurer Reporting Requirements and Responsibilities,” and consolidate material from both rules in a single revised rule. As amended, Rule 19-8.029, F.A.C., Insurer Reporting Requirements and Responsibilities, adopts the Data Call and other applicable reporting requirements and examination instruction forms for the 2017-2018 contract year, deletes obsolete or duplicative material, and provides additional clarification. Because of the consolidation of material from both rules in a single rule, the repeal of Rule 19-8.030, F.A.C., Insurer Responsibilities, is also proposed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon review of the proposed changes to these two rules and the incorporated forms, the State Board of

Administration of Florida has determined that neither rule meets the requirements for ratification by the legislature. The changes to these rules do not have an adverse impact on small business and do not directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within 1 year of implementation. The changes to these rules also do not directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment, business competitiveness or innovation or increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of either rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 215.555(3), F.S.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 4, 2017, 9:00 a.m. (ET) to 11:00 a.m. (ET).

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Donna Sirmons, Florida Hurricane Catastrophe Fund, 1801 Hermitage Boulevard, Tallahassee, FL 32308, (850)413-1349, donna.sirmons@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Sirmons at the number or email listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.029 Insurer Reporting Requirements and Responsibilities.

(1) Purpose. This rule specifies certain deadlines and other requirements for insurers that participate in the Florida Hurricane Catastrophe Fund (FHCF) and addresses the purpose of this rule is to incorporate and adopt the annual reporting of insured values and the Loss Reporting Forms, to provide the time and place for submission of this required

~~information and to address confidentiality of certain information provided to the FHCF Florida Hurricane Catastrophe Fund.~~

(2) Definitions. The definitions in the Reimbursement Contract for the applicable Contract Year also apply to this rule and the forms referenced in this rule. In addition, as used in this rule and the forms referenced in this rule; terms defined below will be capitalized in this rule.

~~(a) Citizens Property Insurance Corporation or Citizens means the entity formed under Section 627.351(6), F.S., refers to two accounts, the coastal account and the personal lines and commercial lines accounts. Each account is treated by the FHCF as if it were a separate Participant participating insurer with its own reportable exposures, reimbursement premium, retention, and ultimate net loss.~~

~~(b) Commutation Period means that period of time which is not less than 36 months or more than 60 months after the end of the Contract Year during which the loss occurrence took place. The Reimbursement Contract, adopted and incorporated into Rule 19 8.010, F.A.C., may provide for voluntary commutation earlier than the 36 month period under certain circumstances.~~

~~(a)(e) "Contract Year" is defined in section 215.555(2), F.S means the time period which begins at 12:00:01 a.m., Eastern Time, on June 1 of each calendar year and ends at 12:00 midnight, Eastern Time, on May 31 of the following calendar year.~~

~~(d) Covered Policy is defined in Section 215.555(2)(c), F.S., and in the Reimbursement Contract adopted by and incorporated into Rule 19 8.010, F.A.C.~~

~~(e) Data Call or Florida Hurricane Catastrophe Fund Data Call means the annual reporting of insured values Form FHCF D1A.~~

~~(f) FHCF or Fund means the Florida Hurricane Catastrophe Fund.~~

~~(g) Independent Consultant means the independent individual, firm, or organization with which the State Board of Administration of Florida (Board) contracts to prepare the premium formula and any other actuarial services for the FHCF, as determined under the contract with the consultant.~~

~~(h) Loss Reporting Forms mean the FHCF L1A, FHCF L1B, and FHCF DCL.~~

~~(i) New Participants means insurers which are granted a certificate of authority by the Department of Financial Services after the beginning of the FHCF's Contract Year on June 1 and which write Covered Policies, or which already have a certificate of authority and begin writing Covered Policies on or after the beginning of the FHCF's Contract Year on June 1 and did not or were not required to enter into a contract on June 1 of the Contract Year. A Company that enters into an assumption agreement with Citizens that~~

includes Covered Policies and is effective on or after June 1 and had written no other Covered Policies on or before June 1 is also considered a New Participant.

(j) ~~Office of Insurance Regulation means that office within the Department of Financial Services and which was created in Section 20.121(3), F.S.~~

(b) “Insurer” or “Company” means an insurer that is required to enter into a Reimbursement Contract.

(k) ~~WIRE means the Web Insurer Reporting Engine which is the secure web based system used for the reporting of insurer exposure data under the Data Call beginning with the 2014/2015 Contract Year.~~

(3) Duties of New Participants. A New Participant must designate a coverage level in the Reimbursement Contract, make any required selections therein, and return the fully executed Reimbursement Contract and applicable Addenda within 30 calendar days after the effective date of its first Covered Policy Reporting of Insurer Exposure Data.

(a) ~~No later than September 1 of each Contract Year, authorized insurers and Citizens pursuant to Sections 215.555(5) and 627.351(6), F.S., shall report, online using WIRE, insured values reflecting wind exposure under Covered Policies by zip code and other relevant factors required to reflect each insurer’s relative exposure to hurricane loss, valued as of June 30 of the current Contract Year, as required under the Data Call. Such other relevant factors shall be determined by the Independent Consultant consistent with principles of actuarial science and in conjunction with the development of the premium formula.~~

(4)(b) Confidentiality of reports containing insured values under Covered Policies. Section 215.557, F.S., enacted for the express purpose of protecting trade secret and proprietary information submitted to the FHCF by a Company participating insurers, protects the confidentiality of reports of insured values under Covered Policies by ZIP Code submitted pursuant to section 215.555, F.S., regardless of whether the information contained in such reports appears in the Data Call or in any other document information of the type submitted in the Data Call, examination workpapers, and examination reports. Such information is not subject to the provisions of sSection 119.07(1), F.S., or sSection 24(a), Article I of the Florida State Constitution. In addition, sections 812.081 and 815.045, F.S., provide for confidentiality of trade secret information. Confidential information data and trade secrets reported to the FHCF are protected to the extent allowed by law.

(c) ~~Reporting Regarding Insurers Withdrawing from the State or Discontinuing the Writing of All Kinds of Insurance Prior to June 30 of Each Year. Insurers which discontinue writing insurance in Florida and have no remaining Covered Policy exposure as of June 30 of each Contract Year are~~

required to petition for exemption from the Fund pursuant to Rule 19 8.012, F.A.C. Nothing in this rule shall be construed to conflict with the requirements of Section 624.430(1), F.S.

(d) ~~Online reporting, using WIRE, is due by September 1 (or by the alternative date applicable to New Participants as outlined in subsection (4) below); this means that the report shall be received by the Board no later than 4:00 p.m., Eastern Time, on September 1. If September 1 is a Saturday, Sunday or legal holiday, then the applicable due date will be the day immediately following September 1 which is not a Saturday, Sunday or legal holiday. Reports sent to the FHCF Administrator in Minneapolis, Minnesota, will be returned to the sender. Submissions in WIRE must be electronically signed off on by 4:00 p.m., Eastern Time, on the applicable due date by two officers registered in the system or the submission will be late.~~

(5)(4) Data Call fForms. For the 2017/2018 Contract Year, the reporting of Company exposure data shall be in accordance with Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2017 Data Call,” rev. xx/17, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, which is hereby adopted and incorporated by reference into this rule.

(a) ~~For the 2012/2013 Contract Year, the reporting shall be in accordance with Form FHCF D1A, “Florida Hurricane Catastrophe Fund 2012 Data Call,” rev. 01/12, <http://www.flrules.org/gateway/reference.asp?No=Ref-01193> hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund’s Administrator at the address stated in subsection (8) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator. For the 2012/2013 Contract Year, a New Participant had the option of reporting its actual exposure as of November 30 of the Contract Year on or before February 1 of the Contract Year.~~

(b) ~~For the 2013/2014 Contract Year, the reporting shall be in accordance with Form FHCF D1A, “Florida Hurricane Catastrophe Fund 2013 Data Call,” rev. 02/13, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02333>, hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund’s Administrator at the address stated in subsection (8) below. A New Participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of November 30 of the Contract Year on or before February 1 of the Contract Year to the Administrator.~~

(c) ~~For the 2014/2015 Contract Year, the reporting shall be in accordance with Form FHCF D1A, “Florida Hurricane Catastrophe Fund 2014 Data Call,” rev. 04/14,~~

~~http://www.flrules.org/Gateway/reference.asp?No=Ref_03967, hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund's Administrator at the address stated in subsection (8) below. A New Participant writing Covered Policies on or after June 1 but prior to December 1, shall report its actual exposure as of November 30 of the Contract Year on or before February 1 of the Contract Year.~~

~~(d) For the 2015/2016 Contract Year, the reporting shall be in accordance with Form FHCF D1A, "Florida Hurricane Catastrophe Fund 2015 Data Call," rev. 05/15, http://www.flrules.org/Gateway/reference.asp?No=Ref_05322, hereby adopted and incorporated by reference into this rule. A New Participant writing Covered Policies on or after June 1 but prior to December 1, shall report its actual exposure as of November 30 of the Contract Year on or before February 1 of the Contract Year.~~

~~(e) For the 2016/2017 Contract Year, the reporting shall be in accordance with Form FHCF D1A, "Florida Hurricane Catastrophe Fund 2016 Data Call," rev. 03/16, http://www.flrules.org/Gateway/reference.asp?No=Ref_06500, hereby adopted and incorporated by reference into this rule. A New Participant writing Covered Policies on or after June 1, but prior to December 1, shall report its actual exposure as of November 30 of the Contract Year on or before February 1 of the Contract Year.~~

~~(5) Loss Reimbursement Reporting Requirements.~~

~~(a) As directed by the Board, after a covered event occurs, insurers shall report all their estimated ultimate net losses (as defined in the Reimbursement Contract, adopted and incorporated into Rule 19-8.010, F.A.C.) for Covered Policies on the Form FHCF L1A, "Florida Hurricane Catastrophe Fund Interim Loss Report," adopted in subsection (6) herein. The Board may request subsequent Interim Loss Reports. Prompt reporting in the format requested will aid the Board in determining whether to seek additional sources of funds to pay for reimbursable losses. The losses reported on the Interim Loss Report are expected to result from a good faith effort, using best business practices for the insurance industry, on the part of the insurer to report as accurately as possible. Preliminary reports will not be binding.~~

~~(b) Insurers shall report their ultimate net losses for each loss occurrence on the Form FHCF L1B, "Florida Hurricane Catastrophe Fund Proof of Loss Report," adopted in subsection (6) herein. Reimbursements by the Fund will be made on the basis of the Proof of Loss Report. While a Company may submit a Proof of Loss Report requesting reimbursement at any time following a loss occurrence, all Companies shall submit a mandatory Proof of Loss Report for each loss occurrence no earlier than December 1 and no later than December 31 of the Contract Year during which the~~

~~Covered Event(s) occurs using the most current data available, regardless of the amount of Ultimate Net Loss or the amount of loss reimbursements or advances already received. After the mandatory December Proof of Loss Report, quarterly Proof of Loss Reports are required as outlined in Article X of the Reimbursement Contract.~~

~~(c) Companies must submit the FHCF L1A, Interim Loss Report, and FHCF L1B, Proof of Loss Report, electronically using the FHCF Online Claims System (available at www.sbafla.com/fhcf under Insurer Information, Online Claims). The Online Claims System will require an online signoff of one executive officer for an Interim Loss Report submission and two executive officers for a Proof of Loss Report submission. Officers performing the signoffs must be registered users. Advance registration is required to use the Online Claims System; instructions are included within the system.~~

~~(d) When required, Companies must submit a Detailed Claims Listing to support the losses reported in the FHCF L1A, Interim Loss Report (excluding incurred but not reported losses) and the FHCF L1B, Proof of Loss Report. The requirements and instructions for the Detailed Claims Listing are outlined in Form FHCF DCL, "Detailed Claims Listing Instructions," adopted in subsection (6) herein, for the applicable Contract Year. The Detailed Claims Listing, when required, must be uploaded through the FHCF Online Claims System (available at www.sbafla.com/fhcf under Insurer Information, Online Claims) at the same time as the Company's Proof of Loss Report submission.~~

~~(6) Loss Reporting Forms.~~

~~(a) For the 2017/2018 Contract Year, the reporting of estimated Ultimate Net Loss shall be in accordance with Form FHCF-L1A, "Contract Year 2017 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," rev. XX/17, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, which is hereby adopted and incorporated by reference into this rule.~~

~~(b) For the 2017/2018 Contract Year, the reporting of Ultimate Net Loss shall be in accordance with Form FHCF-L1B, "Contract Year 2017 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," rev. XX/17, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, which is hereby adopted and incorporated by reference into this rule.~~

~~(c) For the 2017/2018 Contract Year, the applicable Detailed Claims Listing Instructions is Form FHCF-DCL, "Contract Year 2017 Detailed Claims Listing Instructions," rev. XX/17, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, which is hereby adopted and incorporated by reference into this rule.~~

~~(a) For the 2015/2016 Contract Year, the applicable Interim Loss Report is the "Contract Year 2015 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1A, rev. 05/15, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05323>, which is hereby adopted and incorporated by reference into this rule. The applicable Proof of Loss Report is the "Contract Year 2015 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1B, rev. 05/15, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05329>, which is hereby adopted and incorporated by reference into this rule. The applicable Detailed Claims Listing Instructions is the "Contract Year 2015 Detailed Claims Listing Instructions," FHCF-DCL, rev. 05/15, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05325>, which is hereby adopted and incorporated by reference into this rule.~~

~~(b) For the 2016/2017 Contract Year, the applicable Interim Loss Report is the "Contract Year 2016 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1A, rev. 03/16, <http://www.flrules.org/Gateway/reference.asp?No=Ref-06501>, which is hereby adopted and incorporated by reference into this rule. The applicable Proof of Loss Report is the "Contract Year 2016 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1B, rev. 03/16, <http://www.flrules.org/Gateway/reference.asp?No=Ref-06502>, which is hereby adopted and incorporated by reference into this rule. The applicable Detailed Claims Listing Instructions is the "Contract Year 2016 Detailed Claims Listing Instructions," FHCF-DCL, rev. 03/16, <http://www.flrules.org/Gateway/reference.asp?No=Ref-06503>, which is hereby adopted and incorporated by reference into this rule.~~

(7) Examination.

(a) Advance examination record requirements. Within 30 days after the date of the request for such information, a Company must provide the FHCF with the records indicated in the applicable Contract Year's "Exposure Examination Advance Preparation Instructions" or in the applicable Contract Year's "Loss Reimbursement Examination Advance Preparation Instructions." The FHCF may grant an extension of 30 days if the Company can show that the need for the additional time is due to circumstances beyond its reasonable control. For the 2017/2018 Contract Year, the applicable exposure examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2017 Advance Preparation Instructions," FHCF-EAP1, rev. XX/17, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, which is hereby adopted and incorporated by

reference into this rule. The applicable loss examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2017 Advance Preparation Instructions," FHCF-LAP1, rev. XX/17,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, which is hereby adopted and incorporated by reference into this rule.

(b) Response to the FHCF examination report. Within 30 days from the date of the letter accompanying the examination report, a Company must provide a written response to the FHCF. The response must indicate whether or not the Company agrees with the recommendations of the examination report. If the Company disagrees with the examination findings, the reason for the disagreement must be outlined in the response, and the Company must provide supporting information for the objection. The FHCF may grant an extension of 30 days if the Company can show that the need for the additional time is due to circumstances beyond its reasonable control. No response is required if the examination report does not include any findings or recommendations.

(c) Consequences for failure to meet the requirements contained in the FHCF-EAP1, "Exposure Examination Advance Preparation Instructions" or the FHCF-LAP1, "Loss Reimbursement Examination Advance Preparation Instructions." In addition to other penalties or consequences, the FHCF has the authority, pursuant to section 215.555(4)(f), F.S., to require that the Company pay for the following services under the circumstances specified herein:

1. If the Company is responsible for the delay of an examination, the inability to conduct an examination as scheduled, or the inability to complete an examination, the Company shall be required to reimburse the FHCF for all the usual and customary expenses connected to such delay, cancellation, or incompleteness.

2. If the FHCF finds any Company's records or other necessary information to be inadequate or inadequately posted, recorded, or maintained, the FHCF may employ experts to reconstruct, rewrite, record, post, or maintain such records or information, at the expense of the Company being examined.

3. A Company required to reimburse the FHCF for costs as required in subparagraphs 1. and 2. is liable for interest on the amount owed to the FHCF from the date the FHCF pays such expenses until the date payment from the Company is received. The applicable interest rate will be the average rate earned by the SBA for the FHCF for the first four months of the current Contract Year plus 5%. The payment of reimbursements or refunds by the FHCF to the Company will be offset by any amounts owed by that Company to the FHCF under this paragraph.

~~(8)(7)~~ Company Contact Information: Companies must submit Form FHCFC-1, Company Contact Information, rev. XX/17 ~~04/14~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>, which is hereby adopted and incorporated by reference into this rule, by March 1 preceding each Contract Year to the FHCFC Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, Minnesota 55437. A New Participant must submit Form FHCFC-1 within 30 calendar days after ~~of~~ writing its first Covered Policy. This form must be updated by the Company as the information provided thereon changes. The FHCFC shall have the right to rely upon the information provided by the Company to the FHCFC on this form until receipt by the FHCFC of a new properly completed and notarized Form FHCFC-1 from the Company.

(9) Deadlines. If any deadline provided for herein falls on a Saturday, Sunday or on a legal holiday, then the applicable due date will be the first business day immediately following the Saturday, Sunday or legal holiday.

~~(10)(8)~~ All the forms adopted and incorporated by reference in this rule may be obtained from the FHCFC website at www.sbafla.com/fhcf or by contacting the ~~Administrator~~, Florida Hurricane Catastrophe Fund Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, MN 55437, ~~or from the FHCFC website at www.sbafla.com/fhcf.~~

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7), (15), 627.351(6), FS. History—New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 5-10-06, 5-8-07, 6-8-08, 3-30-09, 8-2-09, 3-29-10, 8-8-10, 7-20-11, 5-22-12, 3-17-13; 4-24-14, 5-12-15, 3-13-16, _____.

19-8.030 Insurer Responsibilities.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555, 627.351(6), FS. History—New 5-13-03, Amended 5-19-04, 5-29-05, 5-10-06, 5-8-07, 8-13-07, 6-8-08, 3-30-09, 3-29-10, 8-8-10, 7-20-11, 5-22-12, 3-17-13, 4-24-14, 5-12-15, 3-13-16, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anne T. Bert, FHCFC Chief Operating Officer, State Board of Administration of Florida.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 06, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 4, 2016

DEPARTMENT OF HEALTH

Division of Emergency Preparedness and Community Support

RULE NO.: 64J-2.006
RULE TITLE: Trauma Registry and Trauma Quality Improvement Program

PURPOSE AND EFFECT: Review this rule and update data dictionary requirements.

SUMMARY: Proposed rule makes changes to and provides a new edition of the Florida Trauma Registry Data Dictionary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Through its analysis of regulatory costs required as a part of the SERC analysis, the Department has determined this rule will not require legislative ratification pursuant to Section 120.541(3), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 395.401(2), 395.405, FS.
LAW IMPLEMENTED: 395.401, 395.4025, 395.404, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THIS RULE IS: Michael Leffler, DOH Trauma Program, 4052 Bald Cypress Way, Bin #A20, Tallahassee, Florida 32399-1722, Michael.leffler@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULES ARE:

64J-2.006 Trauma Registry and Trauma Quality Improvement Program.

(1) The Florida Trauma Registry Manual, Data Dictionary, ~~January 1, 2016 Edition, Version 2 (09/19/16)~~, is an extension ~~extension~~ of the ACS NTDB National Trauma Data Standard: Data Dictionary 2016 Admissions; ~~(r-Release date November July, 2015)~~, which is incorporated by reference and available from the American College of Surgeons at

<http://www.ntdsdictionary.org/dataElements/datasetDictionary.html> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-06178> at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06178>. Instructions for completing and submitting data are defined in the Florida Trauma Registry Manual, Data Dictionary, January 4, 2016 Edition, Version 2 (09/19/16), which is incorporated by reference and available from the department, as defined by subsection 64J-2.001(4), F.A.C., or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06178>.

(2) No change.

Rulemaking Authority 395.401(2), 395.405 FS. Law Implemented 395.401(2), 395.4025(9), 395.404 FS. History—New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.103, Amended 7-14-99, 11-19-01, 6-3-02, 6-9-05, 4-25-06, 7-8-08, Formerly 64E-2.018, Amended 11-5-09, 1-1-14, 7-1-14, 1-1-16, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Leffler, DOH Trauma Program
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Celeste Philip, M.D., MPH,
Surgeon General and Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2016
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 31, 2016

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NOS.:	RULE TITLES:
69L-31.003	Petition Form
69L-31.004	Carrier Response Form
69L-31.005	Petition Requirements
69L-31.006	Consolidation of Petitions
69L-31.007	Service of Petition on Carrier and Affected Parties
69L-31.008	Computation of Time
69L-31.009	Carrier Response Requirements
69L-31.010	Effect of Non-Response by Carrier
69L-31.011	Complete Record
69L-31.012	Joint Stipulation of the Parties
69L-31.013	Petition Withdrawal
69L-31.014	Overutilization Issues Raised in Reimbursement Dispute Resolution
69L-31.016	Reimbursement Disputes Involving a Contract or Workers' Compensation Managed Care Arrangement
69L-31.017	Carrier and Health Care Provider Non-compliance

PURPOSE AND EFFECT: The proposed rulemaking amends existing rules governing the process for the resolution of reimbursement disputes between workers’ compensation carriers and health care providers, creates two new rules, and repeals an existing rule. Noteworthy highlights of the

proposed rulemaking are as follows: Rule 69L-31.005, F.A.C., is amended to provide greater detail regarding the materials that must accompany a petition for dispute resolution; Rule 69L-31.008, F.A.C., is amended to clarify the computation of the time period within which a petition for dispute resolution must be submitted to the Division, to increase the time period from 30 days to 45 days for the submission of a Petition Form, to add a link to the Division’s Web Portal, and to provide additional guidance regarding the electronic submission of a Petition Form; Rule 69L-31.009, F.A.C., is amended to increase the time period for a carrier to respond to a petition from 10 days to 30 days; Rule 69L-31.012, F.A.C., is repealed; proposed new Rule 69L-31.016, F.A.C., specifies that the scope of Department determinations involving reimbursement disputes is limited to findings relating to reimbursement schedules, practice parameters, and protocols of treatment, and clarifies that the Department will issue no findings regarding an improper disallowance or adjustment in reimbursement involving managed care contracts or when the carrier asserts that medical treatment was either not compensable or not medically necessary; and proposed new Rule 69L-31.017, F.A.C., stipulates the consequences for failure to comply with Department determinations. Certain rule section titles are revised to more accurately reflect the subject matter or issues addressed by the underlying rule. The proposed rules include additional minor edits and technical changes, and have been renumbered accordingly. Revised forms are also adopted.

SUMMARY: : Rulemaking to amend rules governing the procedures for the resolution of reimbursement disputes between workers’ compensation carriers and health care providers, identified under Rule Chapter 69L-31, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Preliminary SERC analyses conducted by the Department indicate that none of the proposed rules will have an adverse impact or result in regulatory costs in excess of \$1 million within five years, as established in paragraph 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 440.13(7)(e), 440.591, FS.

LAW IMPLEMENTED: 440.13(7) (a), (b), (c), (e), FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Thursday, January 5, 2017, 1:00 p.m.-3:00 p.m.

PLACE: Room 102, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Theresa Pugh, telephone: (850)413-1721, email: Theresa.Pugh@MyFloridaCFO.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Pugh, Program Administrator, Medical Services Section, Bureau of Monitoring and Audit, Division of Workers' Compensation, Department of Financial Services, address: 200 East Gaines Street, Tallahassee, Florida 32399-4228, telephone: (850)413-1721, email: Theresa.Pugh@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-31.003 Petition for Resolution of Reimbursement Dispute Form.

(1) The Petition for Resolution of Reimbursement Dispute Form, DFS-F6-DWC 3160-0023, Revised _____ ("Petition Form"), (~~DFS Form 3160-0023, effective September 8, 2006~~) is hereby incorporated by reference in this rule chapter. This form may be obtained on the Department's website Internet at <http://www.myfloridacfo.com/Division/WC/pdf/DFS-3160-0023.pdf> <http://www.myfloridacfo.com/wc/forms.html> or by contacting the Department at (850)413-1613.

(2) All references to a "petitioner" in this rule chapter are to the health care provider or entity acting on behalf of the health care provider submitting a Petition Form to contest carrier disallowance or adjustment of payment.

(3)(2) A petition to contest carrier disallowance or adjustment of payment pursuant to paragraph Section 440.13(7)(a), F.S., must be submitted on the Petition for Resolution of Reimbursement Dispute Form in hard copy or by electronic submission via the Division of Workers Compensation Web Portal at <https://msuwebportal.fldfs.com/>.

The Petition Form will be the only form accepted by the Department. Any submission seeking to contest the disallowance or adjustment of payment by a carrier pursuant to Section 440.13(7)(a), F.S., must include a completed Petition for Resolution of Reimbursement Dispute Form.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a) FS. History—New 11-28-06, Formerly 59A-31.003, Amended _____.

69L-31.004 Carrier Response to Petition for Resolution of Reimbursement Dispute Form.

(1) The Carrier Response to Petition for Resolution of Reimbursement Dispute Form, DFS-F6-DWC 3160-0024, Revised _____ (Response Form), (~~DFS Form 3160-0024, effective September 8, 2006~~) is hereby incorporated by reference in this rule chapter. This form may be obtained on the Department's website Internet at <http://www.myfloridacfo.com/Division/WC/pdf/DFS-3160-0024.pdf> <http://www.myfloridacfo.com/wc/forms.html> or by contacting the Department at (850)413-1613.

(2) All references to a "carrier" in this rule chapter include the carrier or any entity acting on the carrier's behalf in administering the carrier's workers' compensation medical claims.

(3)(2) The Response Form will be the only form accepted by the Department upon which a carrier may submit its response to a Petition Form to contest carrier disallowance or adjustment of payment pursuant to The Carrier Response to Petition for Resolution of Reimbursement Dispute Form shall be considered a required element of the requested documentation to the Department under paragraph Section 440.13(7)(b), F.S. and must be submitted in hard copy or by electronic submission via the Division of Workers Compensation Web Portal at <https://msuwebportal.fldfs.com/>. Information contained in the Explanation of Bill Review (EOBR) or notice of disallowance or adjustment of payment will control for purposes of establishing the carrier's basis for disallowance or adjustment of payment. The Carrier Response to Petition for Resolution of Reimbursement Dispute Form shall be the only form accepted by the Department upon which a carrier may submit to the Department its response to a Petition for Resolution of Reimbursement Dispute. Any submission by a carrier pursuant to Section 440.13(7)(b), F.S., that does not include a completed Carrier Response to Petition for Resolution of Reimbursement Dispute Form shall result in a notice of deficiency by the Department. A carrier shall have ten (10) calendar days from receipt of the notice of deficiency to cure the deficiency identified in the Department's notice of deficiency. Failure to timely cure the deficiency shall constitute failure to submit requested documentation to the Department.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(b) FS. History—New 11-28-06, Formerly 59A-31.004, Amended _____.

69L-31.005 Petition Form Requirements and Reasons for Dismissal.

(1) The Department, in its determination, will address only the specific line item(s) in the Explanation of Bill Review (“EOBR”) or notice of disallowance or adjustment of payment that the health care provider contends were improperly disallowed or adjusted.

~~(2)(4) The petitioner must submit the Petition Form and all documentation. All documents and records that support supporting the allegations contained in the Petition Form petition must accompany the petition. The supporting documentation of the items listed below must be submitted by hard copy or by electronic submission via the Division of Workers Compensation Web Portal at <https://msuwebportal.fldfs.com/>. A petition that is accompanied by all items specified below will not be dismissed for failure to submit supporting documents and records:~~

(a) A copy of each EOBR or notice of disallowance or adjustment of payment Explanation of Bill Review received from the carrier providing notice of disallowance or adjustment of payment in this dispute.

(b) A copy of all the medical bill or medical bills or request(s) for reimbursement sent to the carrier for which payment was disallowed or adjusted by the carrier on each the contested EOBR or notice of disallowance or adjustment of payment Explanation of Bill Review(s).

(c) One copy set of all related medical documentation and records submitted to the carrier in support of the medical service(s), bill(s) or request(s) for reimbursement which are the subject of this dispute.

~~(d) If the answer to question 5 on the Petition for Resolution of Reimbursement Dispute Form is yes, a copy of all applicable provision(s) of the reimbursement contract.~~

~~(d)(e) If the reimbursement dispute involves carrier authorization of non-emergency treatment, a copy of the provider’s Provider’s documentation of prior authorization by the carrier for non-emergency treatment for the date(s) of service addressed on the Petition Form covered by the petition.~~

~~(e)(f) If the reimbursement dispute involves carrier notification of emergency treatment, a copy of the documentation Documentation of health care provider notification to the carrier, pursuant to paragraph Section 440.13(3)(b), F.S., for emergency treatment or admission following emergency treatment for the date(s) of service addressed on the Petition Form included in the petition.~~

(f) If the reimbursement dispute involves repackaged medication, a copy of the Prescription (Legend) Drug Pedigree documenting the ownership and distribution history of that medication.

(g) If the reimbursement dispute involves services provided by a hospital, documentation of the portions of the hospital’s charge master pertinent to the billed services as of the date of service.

(h) If the reimbursement dispute involves Surgical Implants, a copy of the acquisition invoice(s) from the health care facility for Surgical Implants and Associated Disposable Instrumentation billed, and the record or implant log reflecting the utilization of items.

(3) The Petition Form will be dismissed if:

(a) The Petition Form is submitted to the Department more than forty-five (45) calendar days from the health care provider’s receipt of the EOBR or notice of disallowance or adjustment of payment from the carrier; or

(b) The Petition Form is a duplicate of a previously submitted Petition Form with all of the same issues for the same injured employee, health care provider, carrier, and date(s) of service;

(c) The claim is subject to another jurisdiction; or

(d) The carrier is compliant with Rule 69L-56.4012, F.A.C.

~~(4)(2) If the petitioner does not submit a completed Petition for Resolution of Reimbursement Dispute Form, accompanied by all of the items specified in subsection 69L-31.005(2)(4), F.A.C., the petitioner will be notified by the Department of the deficiency in submission. The petitioner shall will have ten (10) calendar days from receipt of the notice of deficiency to cure the deficiency by providing to the Department copies of the items specified in the Department’s notice along with proof of proper service of the curative documentation upon the carrier by hard copy or by electronic submission via the Division of Workers Compensation Web Portal at <https://msuwebportal.fldfs.com/>. If the petitioner Department does not submit receive the curative documentation to the Department and provide proof of service of the curative documentation upon the carrier within ten (10) calendar days after petitioner’s receipt of the notice of deficiency, the petition will be dismissed with prejudice.~~

~~(3) Documents and records accompanying the petition must be submitted in hard copy.~~

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7) FS. History—New 11-28-06, Formerly 59A-31.005, Amended _____.

69L-31.006 Consolidation of Petitions.

(4) If multiple Petition Forms petitions addressing the same substantive issue(s) have been filed by a petitioner

contesting disallowance or adjustment of payment by the same carrier ~~for the same injured employee~~, the Department may, ~~in its discretion~~, consolidate the Petition Form petitions into a single determination.

~~(2) If the Department consolidates multiple petitions into a single determination, the timetable for rendering a determination upon a consolidated petition shall be expanded to 120 days after Department receipt of all documentation.~~
 Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(e) FS. History—New 11-28-06, Formerly 59A-31.006, Amended.

69L-31.007 Service of Petition on Carrier ~~and Affected Parties.~~

(1) The petitioner ~~must shall~~ effectuate service ~~on upon~~ the carrier ~~and on all affected parties~~ by serving a copy of the Petition Form petition and all supporting documentation submitted to the Department ~~documents and records in support of the petition~~, by United States Postal Service (~~henceforth referred to as "USPS" throughout this rule chapter~~) certified mail on the specific entity identified on the Explanation of Bill Review ("EOBR") or notice of disallowance or adjustment of payment as the entity the carrier designates to receive service of the Petition Form and copies of all supporting documentation on behalf of the carrier ~~and all affected parties~~. If the EOBR or notice of disallowance or adjustment of payment ~~Explanation of Bill Review~~ does not specify a specifically identify the name and mailing address ~~for of~~ the entity the carrier designates to receive service on behalf of the carrier ~~and all affected parties~~, as required by subsection 69L-7.740(14) paragraph 69L-7.602(5)(q), F.A.C., the petitioner may effectuate service of the Petition Form on ~~petition upon~~ the carrier ~~and all affected parties~~ by serving a copy of the Petition Form petition and copies of all supporting documentation ~~documents and records~~ in support of the Petition Form petition by United States Postal Service (USPS) certified mail ~~on upon~~ the entity ~~that who~~ issued the EOBR or notice of disallowance or adjustment of payment ~~Explanation of Bill Review~~ at the address from which the EOBR or notice of disallowance or adjustment of payment ~~Explanation of Bill Review~~ was issued.

(2) ~~The A~~ Petition Form for Resolution of Reimbursement Dispute must be served ~~on upon~~ the carrier ~~and all affected parties~~ by United States Postal Service (USPS) certified mail. Service ~~on upon~~ the carrier ~~must shall~~ include one copy set of all ~~documents and records~~ documentation submitted to the Department in support of the Petition Form petition.

(3) Service by certified mail means service by United States Postal Service (USPS) certified mail. Service by common carrier or service by United States Postal Service (USPS) delivery other than USPS certified mail ~~or service by~~

~~common carrier~~ does not constitute service by USPS certified mail, as required by paragraph 440.13(7)(a), F.S. statute, even if carrier delivery and receipt of the Petition Form petition are confirmed.

(4) If a carrier or the entity the carrier designates to receive service has not been properly served in accordance with this rule subsection, the petitioner will be notified by the Department of the deficiency in service. The petitioner will shall have ten (10) calendar days from receipt of the notice of deficiency ~~in service~~ to provide the Department with proof the deficiency ~~in service~~ identified in the notice of deficiency has been cured by proper service. If the petitioner ~~Department~~ does not submit receive proof of proper service to the Department within ten (10) calendar days after petitioner's receipt of the notice of deficiency, the petition will be dismissed ~~with prejudice~~. For purposes of this rule, "proof of proper service" means that a copy of the Petition Form petition and one copy set of all documentation ~~documents and records~~ in support of the Petition Form petition have been sent by United States Postal Service (USPS) certified mail to the proper entity at the proper address as set forth in this rule, and a certified mail receipt number is provided to the Department to confirm service mailing. If the petitioner unsuccessfully attempts to effectuate service on the carrier, its designated entity, or the entity issuing the EOBR or notice of disallowance or adjustment of payment at the service address as it is listed on the EOBR or notice of disallowance or adjustment of payment because the service address as listed is incorrect or invalid, the Petition Form will not be dismissed.
 Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a) FS. History—New 11-28-06, Formerly 59A-31.007, Amended.

69L-31.008 Computation of Time.

(1)(a) An Explanation of Bill Review ("EOBR") that meets the requirements of paragraph 69L-7.740(14), F.A.C., constitutes a notice of disallowance or adjustment of payment for the purposes of calculating the forty-five (45) day time period in subsection 440.13(7), F.S.

(b) In addition, any document issued by or on behalf of the carrier that includes the following information constitutes a notice of disallowance or adjustment of payment for the purposes of calculating the forty-five (45) day time period in subsection 440.13(7), F.S.

1. The document must identify the amount of disallowance or adjustment of payment that corresponds with the medical bill submitted by the health care provider.

2. The document must identify the name and address of the carrier and the entity issuing the notice of disallowance or adjustment of payment.

3. The document must contain a statement indicating that the document is issued for purposes of noticing the health care provider of the disallowance or adjustment of payment for purposes of subsection 440.13(7), F.S.

4. The document must identify specific EOBR codes related to the adjudication of each line item billed pursuant to Rule 69L-7.740, F.A.C.

(c) The forty-five (45) day time period within which a Petition Form must be served on the Department begins upon receipt of the EOBR or notice of disallowance or adjustment of payment by the health care provider or by an entity designated by the provider to receive such notice on behalf of the health care provider.

(d) The health care provider must document receipt of the EOBR or notice of disallowance or adjustment of payment using a date stamp that clearly reflects date of receipt of the EOBR or notice of disallowance or adjustment of payment by the health care provider or by using a verifiable login process. Documentation of receipt through a date stamp or verifiable login process must accompany the Petition Form. A date-stamped EOBR or notice of disallowance or adjustment of payment will be accepted as proof of date of receipt. A copy of the applicable portion of the login roster showing the date of login of the EOBR or notice of disallowance or adjustment of payment will be accepted as proof of date of receipt through a verifiable login process.

(1) Pursuant to paragraph 69L-7.602(5)(q), F.A.C., notice of disallowance or adjustment of payment, which begins the thirty (30) day time period in Section 440.13(7), F.S., shall only be through receipt of an Explanation of Bill Review issued by or on behalf of a carrier. Therefore, the thirty (30) day time period within which a petition must be served upon the Department begins upon receipt of the Explanation of Bill Review by the health care provider or by an entity designated by the provider to receive such notice on behalf of the health care provider. The health care provider shall document receipt of the Explanation of Bill Review using a date stamp, which clearly reflects date of receipt, or by using a verifiable login process. Documentation of receipt through a date stamp or verifiable login process shall accompany the petition. A date stamped Explanation of Bill Review will be accepted as proof of date of receipt by date stamp. A copy of the applicable portion of the login roster showing the date of login of the Explanation of Bill Review will be accepted as proof of receipt through a verifiable login process. If receipt cannot be established through a date stamp or verifiable login process, the health care provider may provide with the petition a copy of the envelope in which the Explanation of Bill Review was sent which clearly and legibly shows the postmark date, in which case receipt will be deemed to be five (5) calendar days from the postmark date on the envelope in which the

Explanation of Bill Review was sent. If the health care provider does not establish the date of its receipt of the Explanation of Bill Review by any of the methods set forth in this subsection through documentation accompanying the Petition, the health care provider receipt of the Explanation of Bill Review will be deemed to be five (5) calendar days from the issue date on the Explanation of Bill Review. An affidavit attesting to date of receipt will not be accepted as proof of date of receipt.

(2) Petitioning the Department to resolve a reimbursement dispute is shall be effectuated upon service of the Petition Form on petition upon the Department. The timeliness of a Petition Form will petition for Resolution of Reimbursement Dispute shall be calculated based upon on service of the Petition Form on petition upon the Department. Service on upon the Department must shall be by United States Postal Service (USPS) mail, by common carrier, or by hand delivery, or by electronic submission via the Division of Workers' Compensation Web Portal. If service is by United States Postal Service (USPS) mail, the date of service on the Department will shall be the postmark date placed on the envelope by USPS or the metered mail date. If service is by common carrier, the date of service on the Department will shall be the common carrier pick-up date. If service on the Department is by hand delivery, the date of service is the date the Petition Form petition is hand delivered to: Receptionist, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida. Service on the Department by hand delivery is available Monday through Friday between 8:00 a.m. and 5:00 p.m., (Eastern Time), excluding state holidays. If service is by electronic submission via the Division of Workers' Compensation Web Portal, the date of service will be the date the Department received the electronic documentation.

(3) Carrier date of receipt of the Petition Form petition by USPS certified mail will be established by reference to the United States Postal Service (USPS) certified mail receipt date. Timely submission by the carrier to the Department of the Carrier Response to Petition for Resolution of Reimbursement Dispute Form and supporting accompanying documentation will to the Department shall be determined based on upon the date of service of the Carrier Response to Petition for Resolution of Reimbursement Dispute Form and supporting accompanying documentation to on the Department. If service on the Department is by United States Postal Service (USPS) mail, the date of service shall will be the postmark date placed on the envelope by USPS or the metered mail date. If service on the Department is by common carrier, the date of service will shall be the common carrier pick-up date. If service on the Department is by hand delivery, the date of service is the date the Response Form petition is hand delivered to: Receptionist, Hartman Building, 2012

Capital Circle Southeast, Tallahassee, Florida. Service by hand delivery is available Monday through Friday between 8:00 a.m. and 5:00 p.m., (Eastern Time), excluding state holidays. If service is by electronic submission via the Division of Workers' Compensation Web Portal, the date of service will be the date the Department received the electronic documentation.

(4) Time periods established for petitioning the Department to resolve a reimbursement dispute or responding to a Petition Form are not tolled by any of the following actions: requesting an on-site audit; conducting an on-site audit; referral of the health care provider for peer review consultation; or an independent medical examination of the injured employee. Neither the request for, nor the conducting of, an on-site audit, nor the referral of the health care provider for peer review consultation, nor independent medical examination shall toll the time period for petitioning the Department for the resolution of a reimbursement dispute as set forth in Section 440.13(7)(a), F.S., or the time period for the carrier to submit requested documentation under Section 440.13(7)(b), F.S.

(5) If a health care provider submits a Petition Form with multiple notices of disallowance or adjustment of payment or EOBRs for the same claimant, date(s) of service and services, the Department will determine timeliness of the Petition Form from the latest notice of disallowance or adjustment of payment or EOBR that adjusts payment.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a), (b) FS. History—New 11-28-06, Formerly 59A-31.008, Amended _____.

69L-31.009 Carrier Response Requirements.

(1) The Carrier Response to Petition for Resolution of Reimbursement Dispute Form, accompanied by all supporting documentation in hard copy or by electronic submission via the Division of Workers Compensation Web Portal at <https://msuwebportal.fldfs.com/> requested information, must be served on upon the Department no later than thirty (30) calendar within ten (10) days after the carrier's receipt of a copy of the Petition Form petition by United States Postal Service (USPS) certified mail. However, where the Carrier has received curative documentation from the Petitioner pursuant to subsection 69L 31.005(2), F.A.C., the Carrier Response to Petition for Resolution of Reimbursement Dispute Form, accompanied by all requested information, must be served upon the Department within ten (10) calendar days after receipt, by the carrier of the curative documentation from the Petitioner. The carrier's response to the Petition Form petition must include a completed Carrier Response to Petition for Resolution of Reimbursement Dispute Form (DFS Form 3160-0024, effective September 8, 2006). Failure of the carrier to

~~meet these requirements constitutes waiver of all objections to the petition.~~

(2) The carrier must shall provide to the petitioner, using a delivery method providing which provides confirmation of date of delivery, at the petitioner's mailing address provided on the Petition for Resolution of Reimbursement Dispute Form, a copy of the carrier Response to Petition for Resolution of Reimbursement Dispute Form, and one copy set of all supporting documentation accompanying information served on upon the Department in response to the Petition Form petition. The carrier must document the delivery tracking information on the Response Form in such detail that the Department can verify the health care provider's receipt of the Response Form and supporting documentation.

(3) Any submission by a carrier pursuant to paragraph 440.13(7)(b), F.S., that does not include a completed Response Form will result in a notice of deficiency by the Department. A carrier will have ten (10) calendar days from receipt of the notice of deficiency to cure the deficiency by providing to the Department copies of the items identified in the notice by hard copy or by electronic submission via the Division of Workers Compensation Web Portal at <https://msuwebportal.fldfs.com/>. Failure of the carrier to meet these requirements constitutes waiver of all objections to the Petition Form. Documents and records accompanying the carrier's Response to Petition for Resolution of Reimbursement Dispute Form must be in hard copy.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(b) FS. History—New 11-28-06, Formerly 59A-31.009, Amended _____.

69L-31.010 Effect of Non-Response by Carrier.

Failure by of the carrier to timely submit a Carrier Response to Petition for Resolution of Reimbursement Dispute Form (DFS Form 3160-0024, effective September 8, 2006) and supporting accompanying documentation substantiating its disallowance or adjustment of payment constitutes a waiver of all objections to the Petition Form, pursuant to paragraph 440.13(7)(b), F.S. petition. Waiver of all objections to the Petition Form will petition shall result in the Department determination and applicable final order being based solely upon the allegations and supporting documentation submitted by the petitioner.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(b) FS. History—New 11-28-06, Formerly 59A-31.010, Amended _____.

69L-31.011 Complete Record.

The evidentiary record upon which the Department's determination will be made will consist of shall be the Petition for Resolution of Reimbursement Dispute Form and all documentation supporting the allegations contained therein, the documents and records accompanying the petition and the

~~Carrier's Response to Petition for Resolution of Reimbursement Dispute Form and all supporting accompanying documents. However, if the petitioner and carrier enter into a joint stipulation of the parties pursuant to Rule 69L-31.012, F.A.C., the evidentiary record upon which the Department's determination will be made shall also include all additional supporting documentation submitted to the Department by the parties within the 10 calendar day period provided for in Rule 69L-31.012, F.A.C.~~

~~Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(c) FS. History—New 11-28-06, Formerly 59A-31.011, Amended _____.~~

69L-31.012 Joint Stipulation of the Parties.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7) FS. History—New 11-28-06, Formerly 59A-31.012, Repealed _____.

69L-31.013 Petition Withdrawal.

(1) Prior to the issuance of a determination, the petitioner may voluntarily withdraw its Petition Form for Resolution of Reimbursement Dispute.

(2) The withdrawal must of a petition shall be in writing and must clearly indicate:

(a) The name of the health care provider or facility requesting withdrawal;

(b) The name of the carrier against which whom the reimbursement dispute petition has been initiated;

(c) The date(s) of service addressed on covered by the Petition Form petition; and

(d) The identity of the injured employee to whom medical services were delivered.

(3) Receipt The result of receipt by the Department of a written request for withdrawal of a Petition Form will result in closure of the Department's file in the matter without further action petition shall be dismissal of the determination case by the Department.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a), (c) FS. History—New 11-28-06, Formerly 59A-31.013, Amended _____.

69L-31.014 Overutilization Issues Raised in Reimbursement Dispute Resolution.

If the carrier asserts, in its Carrier Response Form that a basis for disallowing the health care provider's claim for reimbursement is overutilization by the health care provider to Petition for Resolution of Reimbursement Dispute, asserts and submits documentation substantiating the assertion, that a basis for disallowing petitioner's claim for payment is overutilization and the Department, in its discretion, determines that the reimbursement dispute cannot be resolved without addressing the overutilization issue, the Department

will issue a determination, finding pursuant to Section 440.13(7), F.S., that the reimbursement dispute cannot be resolved under subsection Section 440.13(7), F.S., and is being converted to a proceeding under either subsection Sections 440.13(8) or and 440.13(11), F.S., or both.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(b), 440.13(7)(c) FS. History—New 11-28-06, Formerly 59A-31.014, Amended _____.

69L-31.016 Reimbursement Disputes Involving a Contract or Workers' Compensation Managed Care Arrangement or Involving Compensability or Medical Necessity.

(1) When either the health care provider or carrier asserts that a contract between them establishes the amount of reimbursement to the health care provider, or where the carrier provided health care services to the injured worker through a workers' compensation managed care arrangement pursuant to Section 440.134, F.S., the Department will not issue a finding that there has been any improper disallowance or adjustment. Instead, the determination will only indicate the reimbursement amount for the treatment established by the appropriate reimbursement schedules, practice parameters, and protocols of treatment under Chapter 440, F.S., to assist the health care provider and carrier in their independent application of the provisions of the contract or workers' compensation managed care arrangement to resolve the dispute.

(2) When the carrier asserts the treatment is not compensable or medically necessary and as a result does not reimburse, the Department will not issue a finding that there has been any improper disallowance or adjustment. Instead, the determination will only indicate the reimbursement amount for the treatment established by the appropriate reimbursement schedules, practice parameters, and protocols of treatment under Chapter 440, F.S., should compensability or medical necessity be later established.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7), (12)(a), 440.134(15) FS. History—New _____.

69L-31.017 Carrier and Health Care Provider Non-compliance

(1) The Department may issue an order compelling the carrier to correct its reimbursement practices. Failure by the carrier to correct such practices will result in the issuance of a willful violation pursuant to Rule 69L-24.007, F.A.C., in addition to any fines issued pursuant to paragraph 440.13(7)(f), F.S. Improper reimbursement practices by the carrier include, but are not limited to, the following:

(a) Failure to include a billed line item on an Explanation of Bill Review ("EOBR") or notice of disallowance or adjustment of payment;

(b) Reducing the amount of a billed line item on an EOBR or notice of disallowance or adjustment of payment;

(c) Utilizing a drug pricing database other than the Medi-Span Master Drug Database for purposes of determining the average wholesale price for reimbursement of pharmaceuticals;

(d) Failure to provide final adjudication of a medical bill through payment, adjustment, disallowance, or denial within (45) calendar days of receipt of the medical bill, unless the medical bill is returned under subsection 69L-7.740(11), F.A.C., or unless compensability of the claim has been denied;

(e) Incorrectly reporting either the billed amount or the reimbursement amount when reporting medical bill data to the Division pursuant to Rule 69L-7.740, F.A.C.

(2) The Department may issue an order compelling the health care provider to correct its improper billing practices. Failure by the health care provider to correct such practices will constitute improper billing practices pursuant to paragraph 440.13(11)(a), F.S., and the health care provider will be subject to the penalties pursuant to paragraph 440.13(8)(b), F.S.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7), (8)(b), (11)(a), (12), 440.525 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Theresa Pugh, Program Administrator, Medical Services Section, Bureau of Monitoring and Audit, Division of Workers' Compensation, Department of Financial Services
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD:
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 23, 2016.

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-780.200	Acronyms and Definitions
62-780.220	Notices
62-780.500	Emergency Response Action or Interim Source Removal
62-780.525	Interim Source Removal
62-780.600	Site Assessment
62-780.650	Risk Assessment
62-780.680	No Further Action and No Further Action with Controls
62-780.690	Natural Attenuation Monitoring

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 182, September 19, 2016 issue of the Florida Administrative Register.

62-780.200 Acronyms and Definitions.

(1) through (9) No change.

(10) "Contaminated" or "contamination" means the presence of free product or any contaminant in surface water, groundwater, soil, sediment, or upon the land, in concentrations that exceed the applicable CTLs specified in Chapter 62-777, F.A.C., or water quality standards in Chapter 62-302 or 62-520, F.A.C., or in concentrations that may result in contaminated sediment. At sites where alternative CTLs have been developed solely based upon intrinsic chemical properties that do not vary under different exposure scenarios (e.g., toxicity) or based upon a risk assessment where the exposure parameters have been demonstrated to be applicable throughout the study area, then such alternative CTLs are the applicable CTLs for evaluating "contaminated" or "contamination" and would supersede the CTLs specified in Chapter 62-777, F.A.C. However, alternative CTLs can not be substituted for water quality standards in Chapter 62-302 or 62-520, F.A.C. This definition is solely for use within Chapter 62-780, F.A.C., and pursuant to Section 376.30701(1)(a), F.S., shall not be used to establish legal responsibility for conducting site rehabilitation.

(11) through (58) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81 FS. Law Implemented 376.301, 376.3071, 376.30701, 376.3078(4), 376.81 FS. History—New 4-17-05, Amended 6-12-13, .

Editorial Note: Portions of this rule were copied from 62-770.200, Formerly 17-70.003 and Formerly 17-770.200; 62-782.200; and 62-785.200.

62-780.220 Notices.

(1) through (6) No change.

(7) Notice Requirements for Closure Using Institutional, Engineering Controls or Alternative CTLs. Sections 376.30701(2) (c) and (d), F.S. provide specific notice requirements for conditional closure using institutional controls, engineering controls or alternative CTLs. Prior to the Department's approval of institutional controls, institutional and engineering controls, or alternative CTLs, the PRSR shall mail notice of the Department's intent for such approval to the local government(s) with jurisdiction over the property(ies) subject to the institutional or engineering control, to real property owner(s) of any property subject to the institutional or engineering control, to any resident or business tenant, and to any party holding a materially affected encumbrance in the area subject to the control (see the Institutional Control Procedures Guidance referenced in section 62-780.100(7), F.A.C., for guidance ~~on when actual notice should be provided~~). Notice mailed to the registered agent of any party, if applicable, shall be sufficient notice for the purposes of this paragraph. Where there are multiple residences (e.g., a condominium), businesses or tenants on any property subject to the institutional or engineering control, the PRSR may publish notice in lieu of mailing to such residences, businesses or tenants. The notice shall be mailed or published by the PRSR within 30 days after the Department's provisional approval of the No Further Action Proposal with institutional or engineering controls. The PRSR shall provide the Department with a copy of the mailed notice and a list of names and addresses to whom the notice was sent and the date it was sent. For published notice, proof of such notice that meets the requirements of subsections 62-110.106(5), (8), and (9), F.A.C., shall be provided. The notice shall provide the local government(s) with jurisdiction over the property(ies) subject to the control(s), real property owner(s) of any property subject to the control(s), and residents of any property subject to the control(s), any party holding an easement for the area subject to the control(s), and business tenants of any property subject to the controls, the opportunity to comment to the Department within 30 days after receipt of the notice of the Department's intent of approval. For a description of the agency action proposed, the notice shall contain "to issue a Site Rehabilitation Completion Order with institutional controls for a contaminated site." Additionally, the notice of rights language shall be replaced with "Local governments, real property owner(s) of any property subject to the institutional or engineering control, and residents of any property subject to the institutional or engineering control have 30 days from receipt (or publication) of this notice to provide comments to the Department." The notice shall also provide the appropriate mailing address and, if warranted,

electronic mail address to which comments should be sent. See subsection 62-780.100(7), Institutional Controls Procedures Guidance, for sample notice templates.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.30702, 376.3078(4), 376.81, 403.7255 FS. Law Implemented 376.3071, 376.30701, 376.30702, 376.3078(4), 376.81, 403.7255 FS. History—New 4-17-05, Amended 12-27-07, 6-12-13, ____.

Editorial Note: Portions of this rule were copied from 62-770.220; 62-782.220; and 62-785.220.

62-780.500 Emergency Response Action.

(1) through (8) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.3078(9), 376.81 FS. Law Implemented 376.305, 376.3071, 376.30701, 376.3078(4), 376.3078(9), 376.81 FS. History—New 4-17-05, Amended 6-12-13, ____.

Editorial Note: Portions of this rule were copied from 62-770.300, Formerly 17-70.006 and Formerly 17-770.300; 62-782.500; and 62-785.500.

62-780.525 Interim Source Removal.

(1) through (4) No change.

(5) Soil and Sediment Removal, Treatment, and Disposal.

(a) The PRSR may excavate contaminated soil or contaminated sediment for proper treatment or proper disposal as an interim source removal activity provided the following criteria are met:

1. through 4. No change.

5. If one of the objectives of the interim source removal is to excavate all the contaminated soil or sediment, confirmatory soil or sediment samples shall be collected, unless the excavation of the source occurs above the groundwater table to a depth of 1 foot below and 1 foot laterally of visually stained soil or sediment, if present. When visual staining is not present, soil screening methods may be used for confirming that excavation is complete above the groundwater table provided the soil screening method is applicable to the pollutant or hazardous substance that has been discharged provided that the field method has been verified and validated against standard laboratory methods, that the detection limit of soil screening instrumentation is appropriate based on the cleanup target levels for the pollutant of hazardous substance and that the applicable quality control/quality assurance protocols are followed (note that proper quality assurance may include correlation with laboratory analytical results). When soil screening methods are not used, ~~s~~Soil samples shall be collected at the bottom of the excavation (unless the bottom is below the water table) and walls or perimeter of the excavation. Sediment samples shall be collected at the bottom and perimeter of the excavation, if applicable;

6. through 9. No change.

(b) Land farming of soil contaminated by petroleum products is allowed, provided the land farming operation is located on the same property as the source of contaminated soil unless it is land farmed at a permitted stationary facility. The following criteria shall be met for contaminated soil land farmed on the source property:

1. through 9. No change.

10. Land farmed soil that does not exceed the lower of the direct exposure residential CTLs and leachability based on groundwater criteria CTLs specified in Chapter 62-777, F.A.C., Table II may be disposed on-site or off-site. The PRSR is advised that other federal or local laws and regulations may apply to these activities. Land farmed soil that exceeds the applicable CTLs specified in Chapter 62-777, F.A.C., Table II shall not be disposed or returned to the original excavation without obtaining approval from the Department pursuant to paragraph 62-780.525(5)(a), F.A.C., or rule 62-780.650, 62-780.680, 62-780.690 or 62-780.700, F.A.C., as applicable.

(c) No change.

(d) Consistent with the goals set forth in Section 403.061(33), F.S., the Department encourages treatment over disposal options to address contaminated soil.

(e) Soil or sediment treatment, storage, or disposal techniques not authorized by applicable rules of the Department require approval in an Interim Source Removal Proposal submitted pursuant to paragraph 62-780.525(5)(f) 62-780.525(5)(e), F.A.C., or in a Remedial Action Plan submitted pursuant to Rule 62-780.700, F.A.C.

(f) through (g) No change.

(6) Authorization or receipt of approval pursuant to Rule 62-780.525 62-780.525, F.A.C., does not relieve the PRSR from the obligation to comply with other Department rules (for example, Chapters 62-701 and 62-730, F.A.C.) for product recovery, product disposal, groundwater recovery, or the handling, storage, disposal, or treatment of contaminated media. The PRSR is advised that other federal or local laws and regulations may apply to these activities.

(7) Interim Source Removal Report.

(a) Within the time frames specified in Table A or the CAD, the PRSR shall submit an electronic or paper copy of an Interim Source Removal Report to the Department for review. If analytical results obtained pursuant to subparagraphs 62-780.525(3)(a)6., 62-780.525(5)(a)5., and 62-780.600(5)(m)3., F.A.C., as applicable, after completion of the interim source removal, demonstrate that the No Further Action criteria of subsection 62-780.680(1), F.A.C., are met, a Site Assessment Report pursuant to subsection 62-780.600(7), F.A.C., may be submitted in lieu of an Interim Source Removal Report. The Interim Source Removal Report shall contain the following information in detail, as applicable:

1. through 12. No change.

13. A scaled site map (including a graphical representation of the scale used) that shows the locations and results of confirmatory soil or sediment samples in relation to the area of the soil or sediment removal; ~~and~~

14. through 15. No change.

(b) No change.

(8) through (9) No change.

Rulemaking Authority 376.303, 376.305, 376.3071, 376.30701, 376.3078(4), 376.3078(9), 376.81 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.3078(9), 376.81 FS. History—New .

62-780.600 Site Assessment.

(1) through (2) No change.

(3) The objectives of the site assessment shall be the following, as applicable:

(a) No change.

(b) To determine whether contamination is present and the types of contaminants present, and to determine the horizontal and vertical extent of contamination in every medium found to be contaminated (for soil in the unsaturated zone, to the more stringent of the direct exposure residential soil CTLs and the applicable leachability-based soil CTLs provided in Chapter 62-777, F.A.C., Table II; and for groundwater, to the groundwater CTLs or to the surface water CTLs provided in Chapter 62-777, F.A.C., Table I, as applicable; ~~or to alternative~~ Alternative CTLs that have been developed solely based upon intrinsic chemical properties that do not vary under different exposure scenarios (e.g., toxicity) or are based upon a risk assessment where the exposure parameters have been demonstrated to be applicable throughout the study area may be used as applicable (except that determination of the horizontal and vertical extent of exceedances of delineation to the water quality standards in Chapter 62-520 or 62-302, F.A.C., is always required);

(c) through (k) No change.

(4) No change.

(5) The site assessment shall include tasks that are necessary to achieve objectives described in subsection 62-780.600(3), F.A.C., and include the following, as applicable based on site-specific circumstances:

(a) through (b) No change.

(c) Sampling of soil from the unsaturated zone for the following criteria, as applicable:

1. Appropriate laboratory analyses to determine the degree and extent of soil contamination and, as applicable, the background concentrations. A sufficient number of soil samples to define the horizontal and vertical extent of contamination shall be collected in the unsaturated zone ~~based on the horizontal and vertical extent of contamination~~. Samples shall be collected at two-foot vertical intervals unless

the sampling intervals are adjusted, as necessary, to account for factors such as discrete variations in the lithology, depth to the water table, the point of discharge, and the chemical and physical properties of the contaminants. If a surficial discharge of metals or semi-volatile organic compounds is known or suspected, the sampling vertical intervals shall be as follows: land surface to six inches, six inches to two feet, and two-foot intervals thereafter to the extent necessary to define the soil contamination. If the 95% Upper Confidence Limit (UCL) approach pursuant to subparagraphs 62-780.680(1)(b)1., 62-780.680(2)(b)1., and 62-780.680(3)(b)1., F.A.C., is used, the soil sampling shall be sufficient to identify the area(s) of highest contaminant concentrations and to allow the calculation of an exposure unit average concentration. [Refer to the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance.];

- 2. through 5. No change.
- (d) through (u) No change.
- (6) through (10) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended 6-12-13, 2-4-14,_____.

Editorial Note: Portions of this rule were copied from 62-770.600, Formerly 17-70.008 and Formerly 17-770.600; 62-782.600; and 62-785.600.

62-780.650 Risk Assessment.

- (1) No change.
- (a) through (b) No change.
- 1. No change.

2. Input assumptions different from those used to develop default CTLs may be used to propose alternative CTLs. The appropriate equations from Chapter 62-777, F.A.C., must be used in calculating the alternative CTLs. Toxicity values for quantifying human health risks and for developing alternative CTLs may be taken from the following information sources listed in Rule 62-780.100, F.A.C., in order of preference:

- a. through b. No change.
- c. Values proposed by a PRSR from other sources. Such values must be compared with any values available from the ~~referenced guidelines in Rule 62-780.100(12) through 62-780.100(20)~~ and be accompanied with a justification for using the proposed value and. ~~Such proposals~~ are subject to review and acceptance by FDEP based upon statutory requirements for the protection of human health and the environment. The referenced guidelines in Rule 62-780.100(12) through 62-780.100(20) are available for reference when selecting or justifying alternative values.

(c) A risk characterization that utilizes the results of the exposure assessment, the toxicity assessment, and any other relevant public health and epidemiological assessments, to

characterize cumulative risks to the affected population(s) and the environment from contaminants found at the site. Based on the concentrations of contaminants found at the site, the characterization shall include:

- 1. through 2. No change.
- 3. Derivation of alternative CTLs, as applicable. [Refer to Appendix C of the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance on the derivation of alternative CTLs for TRPHs based on a sub-classification methodology; and to Chapter 62-777, F.A.C., Table III for methods that may be used in determining soil properties for the derivation of alternative CTLs based on site-specific soil characteristics, if soil properties are used to derive alternative CTLs.] In developing alternative CTLs, the dose additivity of chemicals shall be considered [Refer to the “Dose Additivity” document referenced in subsection 62-780.100(24), F.A.C., for guidance].
- (d) No change.
- (2) through (7) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.021, 403.061, 403.062 FS. History—New 4-17-05, Amended 6-12-13, 2-4-14,_____.

Editorial Note: Portions of this rule were copied from 62-770.650; 62-782.650; and 62-785.650.

62-780.680 No Further Action and No Further Action with Controls.

(1) Risk Management Options Level I – A No Further Action without institutional controls or without institutional and engineering controls shall apply if the following conditions are met:

- (a) through (b) No change.
- (c) Contaminated groundwater is not present, as demonstrated by the analyses of groundwater samples collected from representative sampling locations (unless the Department has concurred that groundwater sampling is unnecessary based on the site-specific conditions), that show that criteria 1. and 2. are met:

- 1. No change.
- 2. Groundwater contaminant concentrations do not exceed the surface water CTLs specified in Chapter 62-777, F.A.C., Table I freshwater surface water criteria column or marine surface water criteria column, as applicable, if the site’s groundwater contaminant concentrations are affecting or may potentially affect a surface water body based on monitoring well data, groundwater flow rate and direction, or fate and transport modeling. The point of measuring compliance with the surface water standards shall be in the groundwater from the landward side immediately adjacent to the surface water body. However, for cleanups being conducted pursuant to 376.30701(2), F.S., (including petroleum contamination sites

being addressed pursuant to Section 376.3071, F.S., that are not eligible for state-funded site rehabilitation, if the PRSR elects) or 376.81(1), F.S., such measurement is not necessary if it has been demonstrated, based on site assessment data provided in accordance with 62-780.600, F.A.C., that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria.;

(d) through (e) No change.

(2) Risk Management Options Level II – A No Further Action with institutional controls (whether such institutional controls are recorded in the public records of the County in which the site is located, or are non-recorded institutional controls), and, if appropriate, engineering controls shall apply if the controls are protective of human health, public safety, and the environment. Notice of the use of institutional or engineering controls shall be provided in accordance with paragraph 62-780.220(7), F.A.C. Fate and transport models, as defined in Rule 62-780.610, F.A.C., may be utilized to justify the No Further Action Proposal. It shall be demonstrated to the Department that the following conditions are met for those contaminants that do not meet Risk Management Options Level I criteria of subsection 62-780.680(1), F.A.C.:

(a) through (b) No change.

(c) Alternative groundwater CTLs have been established by the PRSR depending on the current and projected use of groundwater in the vicinity of the site and one or more of the following criteria are met, as applicable:

1. through 2. No change.

3. For groundwater contamination that is affecting or may potentially affect only a marine surface water body with no other properties or freshwater surface water bodies located between the source property boundary and the marine surface water body, the CTLs specified in Chapter 62-777, F.A.C., Table I marine surface water criteria column shall apply to groundwater. The point of measuring compliance with the surface water standards shall be in the groundwater from the landward side immediately adjacent to the surface water body. However, for cleanups being conducted pursuant to 376.30701(2), F.S., (including petroleum contamination sites being addressed pursuant to Section 376.3071, F.S., that are not eligible for state-funded site rehabilitation, if the PRSR elects) or 376.81(1), F.S., such measurement is not necessary if it has been demonstrated, based on site assessment data provided in accordance with 62-780.600, F.A.C., that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria; and

4. No change.

(3) through (6) No change.

(7) When a No Further Action Proposal is approved pursuant to subparagraph 62-780.600(9)(a)1. or 62-780.650(5)(a)1., F.A.C., or paragraph 62-780.680(5)(a), 62-

780.690(11)(a), or 62-780.750(7)(a), F.A.C., the Site Rehabilitation Completion Order shall contain, at a minimum, the following information:

(a) through (h) No change.

(8) through (9) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended 6-12-13, 2-4-14, _____.

Editorial Note: Portions of this rule were copied from 62-770.680; 62-782.680; and 62-785.680.

62-780.690 Natural Attenuation Monitoring.

(1) through (2) No change.

(3) Where surface water is or may be exposed to contaminated groundwater (based on monitoring well data, groundwater flow rate and direction, or fate and transport modeling), the point of measuring compliance with the surface water standards shall be in the groundwater from the landward side immediately adjacent to the surface water body. For cleanups being conducted pursuant to 376.30701(2), F.S., (including petroleum contamination sites being addressed pursuant to Section 376.3071, F.S., that are not eligible for state-funded site rehabilitation, if the PRSR elects) or 376.81(1), F.S., such measurement is not necessary if it has been demonstrated, based on site assessment data provided in accordance with 62-780.600, F.A.C., that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria.

(4) through (7) No change.

(8) The monitoring program shall be performed as specified in the Natural Attenuation Monitoring Plan approval, as follows:

(a) through (d) No change.

(e) If analyses of groundwater samples indicate that concentrations of applicable contaminants exceed any action levels specified in the Natural Attenuation Monitoring Plan approval, then the monitoring report referenced in paragraph 62-780.690(8)(d), F.A.C., shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-780.400, F.A.C., and shall include a proposal to:

1. through 3. No change.

4. Other proposal as authorized by this rule chapter ~~action as approved by the department.~~

(f) As specified in the approved Natural Attenuation Monitoring Plan, the analytical data shall be evaluated in reference to the expected reductions in contaminant concentrations in monitoring wells pursuant to subparagraph 62-780.690(1)(f)1., F.A.C., or sub-subparagraph 62-780.690(1)(f)2.b., F.A.C., as applicable, to verify progress of site rehabilitation by natural attenuation. If the rate of expected cleanup progress is not achieved, then the monitoring

report referenced in paragraph 62-780.690(8)(d), F.A.C., shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-780.400, F.A.C., and shall include a proposal to:

- 1. through 3. No change.
- 4. Other proposal as authorized by this rule ~~chapter action~~ ~~as approved by the department;~~ and
 - (g) No change.
 - (9) through (14) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History—New 4-17-05, Amended 6-12-13,_____.

Editorial Note: Portions of this rule were copied from 62-770.690; 62-782.690; and 62-785.690.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

Florida’s Office of Early Learning

RULE NO.: RULE TITLE:

6M-8.620 Voluntary Prekindergarten (VPK) Pre- and Post Assessments

The Office of Early Learning hereby gives notice that it has issued an Order granting the request made by the Early Learning Coalition of the Big Bend for a variance from select requirements of Rule 6M-8.620, F.A.C., related to the deadlines for administering and reporting the Florida VPK Assessment during Assessment Period One (AP1). The petition was filed with the Office of Early Learning on or about November 4, 2016. Notice of the petition was published on November 11, 2016 in Volume 42, no. 218 of the Florida Administrative Register. The Office received no comments. On November 30, 2016, the Office issued an order granting the petition, finding that Petitioner demonstrated that a change in assessment deadlines will still meet the purpose of the underlying statute while avoiding substantial hardship and unfairness that would otherwise result.

A copy of the Order or additional information may be obtained by contacting: Margaret O’Sullivan Parker, General Counsel, Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399, Maggi.Parker@oel.myflorida.com.

DEPARTMENT OF EDUCATION

Florida’s Office of Early Learning

RULE NO.: RULE TITLE:

6M-8.620 Voluntary Prekindergarten (VPK) Pre- and Post Assessments

The Office of Early Learning hereby gives notice that it has issued an Order granting the request made by the Early Learning Coalition of Brevard for a variance from select requirements of Rule 6M-8.620, F.A.C., related to the deadlines for administering and reporting the Florida VPK Assessment during Assessment Period One (AP1). The petition was filed with the Office of Early Learning on or about November 3, 2016. Notice of the petition was published on November 4, 2016 in Volume 42, no. 216 of the Florida Administrative Register. The Office received no comments. On November 30, 2016, the Office issued an order granting the petition, finding that Petitioner demonstrated that a change in assessment deadlines will still meet the purpose of the underlying statute while avoiding substantial hardship and unfairness that would otherwise result.

A copy of the Order or additional information may be obtained by contacting: Margaret O’Sullivan Parker, General Counsel, Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399, Maggi.Parker@oel.myflorida.com.

DEPARTMENT OF EDUCATION

Florida’s Office of Early Learning

RULE NO.: RULE TITLE:

6M-8.620 Voluntary Prekindergarten (VPK) Pre- and Post Assessments

The Office of Early Learning hereby gives notice that it has issued an Order granting the request made by the Early Learning Coalition of Pasco and Hernando for a variance from select requirements of Rule 6M-8.620, F.A.C., related to the deadlines for administering and reporting the Florida VPK Assessment during Assessment Period One (AP1). The petition was filed with the Office of Early Learning on or about November 9, 2016. Notice of the petition was published on November 14, 2016 in Volume 42, no. 221 of the Florida Administrative Register. The Office received no comments. On November 30, 2016, the Office issued an order granting the petition, finding that Petitioner demonstrated that a change in assessment deadlines will still meet the purpose of the underlying statute while avoiding substantial hardship and unfairness that would otherwise result.

A copy of the Order or additional information may be obtained by contacting: Margaret O’Sullivan Parker, General Counsel, Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399, Maggi.Parker@oel.myflorida.com.

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: RULE TITLE:

6M-8.620 Voluntary Prekindergarten (VPK) Pre- and Post Assessments

The Office of Early Learning hereby gives notice that it has issued an Order granting the request made by the Early Learning Coalition of Sarasota County for a variance from select requirements of Rule 6M-8.620, F.A.C., related to the deadlines for administering and reporting the Florida VPK Assessment during Assessment Period One (AP1). The petition was filed with the Office of Early Learning on or about November 4, 2016. Notice of the petition was published on November 8, 2016 in Volume 42, no. 218 of the Florida Administrative Register. The Office received no comments. On November 30, 2016, the Office issued an order granting the petition, finding that Petitioner demonstrated that a change in assessment deadlines will still meet the purpose of the underlying statute while avoiding substantial hardship and unfairness that would otherwise result.

A copy of the Order or additional information may be obtained by contacting: Margaret O'Sullivan Parker, General Counsel, Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399, Maggi.Parker@oel.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on December 6, 2016, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Eucar Castro located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and

Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 9, 2017, 4:00 p.m. – 6:00 p.m., ET

PLACE: Telephone conference: 1(888)670-3525, participant code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Florida Rehabilitation Council business.

A copy of the agenda may be obtained by contacting: Kim Thomas, (850)245-3313, kim.thomas@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Kim Thomas, (850)245-3313, kim.thomas@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kim Thomas, (850)245-3313, kim.thomas@vr.fldoe.org.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 9, 2017, 4:00 p.m. – 6:00 p.m., ET

PLACE: Telephone conference: 1(888)670-3525, participant code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Florida Rehabilitation Council business.

A copy of the agenda may be obtained by contacting: Kim Thomas, (850)245-3313, kim.thomas@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Kim Thomas, (850)245-3313, kim.thomas@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kim Thomas, (850)245-3313, kim.thomas@vr.fldoe.org.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation announces a hearing to which all persons are invited.

DATES AND TIMES: Monday, December 12 through Friday, December 16 times: see below

PLACE: Website: www.D7wpph.com

Florida Department of Transportation – District Seven headquarters located at 11201 N. McKinley, Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Florida Department of Transportation (FDOT) - District Seven, invites you to participate in and comment on the Tentative Five-year Work Program for projects scheduled July 1, 2017 through June 30, 2022. The District Seven, Tentative Five-year Work Program includes upcoming planning activities, preliminary engineering, right of way acquisition, construction, and public transportation projects planned by FDOT and Florida Turnpike Enterprise for Citrus, Hernando, Hillsborough, Pasco, and Pinellas Counties. Select local government projects are also included.

There are four ways you can participate:

1. Beginning Monday, December 12, 2016, go to www.D7wpph.com to view the Work Program documents, presentations, maps, and submit comments and questions.
2. If you do not have access to the internet, you can use a computer at your local public library during the library's regular operating hours.
3. FDOT representatives will be available to accept comments Wednesday, December 14, 2016 from 4:00 p.m. – 6:00 p.m. at the following locations:
 Citrus County: Inverness Government Center – City Council Chambers, 212 W. Main Street, Inverness, FL 34450
 Hernando County: Hernando County Public Library, 238 Howell Ave., Brooksville, FL 34601
 Hillsborough County: Hillsborough County Center, 601 E Kennedy Blvd., 18th Floor, Tampa, FL 33602
 Pasco County: West Pasco Government Center, 8731 Citizens Drive, New Port Richey, FL 34654
 Pinellas County: Pinellas County Government Center, 310 Court St., Clearwater, FL 33756
4. FDOT representatives are also available by appointment from 8:00 a.m. – 5:00 p.m., December 12 – 16, at the Florida Department of Transportation – District Seven headquarters located at 11201 N. McKinley, Tampa, FL 33612. To schedule a meeting, contact: Chris Speese at (813)975-6405.

Comments can be submitted three ways:

- www.D7wpph.com website: Click link to submit a comment
- US Mail: address comments to Ed McKinney, Florida Department of Transportation, 11201 N. McKinley Drive, MS 7-100, Tampa, FL 33612
- Email: send comments to D7wpph@dot.state.fl.us.

Comments must be submitted, or postmarked, by December 27, 2016 to become part of the official record.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (at no charge) should contact: Chris Speese at (813)975-6405 or 1(800)226-7220 at least seven days prior to the hearing.

A copy of the agenda may be obtained by contacting: Chris Speese, Title VI Coordinator, Christopher.Speese@dot.state.fl.us, (813)975-6405 or 1(800)226-7220.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Chris Speese, Title VI Coordinator, Christopher.Speese@dot.state.fl.us, (813)975-6405 or 1(800)226-7220. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Chris Speese, Title VI Coordinator, Christopher.Speese@dot.state.fl.us, (813)975-6405 or 1(800)226-7220.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2016, 2:30 p.m.

PLACE: William E. Sadowski Office Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in section 120.525, Florida Statutes, a Public Opening is hereby noticed within the timeline for the Invitation to bid (ITB-DEM-16-17-035) for Pancake Geiger-Mueller Monitoring Instruments.

The Division reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Division will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Review (FAR). Access the VBS at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting: Kara Godwin, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850)922-1649, Kara.Godwin@em.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Kara Godwin, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850)922-1649, Kara.Godwin@em.myflorida.com: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 14, 2016, 2:00 p.m.

PLACE: Nova Road, 3.9 miles south of State Road 520, Osceola County

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ribbon-cutting ceremony for the completion of the S-164 refurbishment which illustrates the district's commitment to ensure that water levels in Taylor Creek can continue to meet the water supply needs of Cocoa Utilities and Deseret Ranches of Florida, meet minimum flow and levels requirements set by the district to avoid flooding and drought during extreme conditions.

Note: This event may be attended by one or more members of the St. Johns River Water Management Governing Board.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Ed Garland at egarland@sjrwm.com or (321)676-6612.

REGIONAL UTILITY AUTHORITIES

Withlacoochee Regional Water Supply Authority

The Withlacoochee Regional Water Supply Authority (WRWSA) announces a public meeting to which all persons are invited.

DATE AND TIME: December 21, 2016; cancelled

PLACE: 3600 W Sovereign Path, Room 166, Lecanto, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The WRWSA regular Board Meeting scheduled for Wednesday, December 21, 2016 has been canceled. The next regularly scheduled meeting will be held on Wednesday, January 18, 2017 at 3:30 p.m. at the Lecanto Government Center, Room 166, 3600 W Sovereign Path, Lecanto, FL.

A copy of the agenda may be obtained by contacting: LuAnne Stout, 3600 W Sovereign Path, Suite 228, Lecanto, FL 34461, lstout@wrwsa.org or by calling (352)527-5795.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: LuAnne Stout, 3600 W Sovereign Path, Suite 228, Lecanto, FL 34461, lstout@wrwsa.org or by calling (352)527-5795. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: LuAnne Stout, 3600 W Sovereign Path, Suite 228, Lecanto, FL 34461, lstout@wrwsa.org or by calling (352)527-5795.

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

The Florida E911 Board announces a workshop to which all persons are invited.

DATE AND TIME: December 14, 2016, 2:00 p.m.

PLACE: Hilton Garden Inn, 4075 33rd Place, Gainesville, FL 32608; telephone conference: 1(888)670-3525, participant code: 2323004133

GENERAL SUBJECT MATTER TO BE CONSIDERED: Text to 911.

A copy of the agenda may be obtained by contacting: Leon Simmonds, (850)413-6382, leon.simmonds@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Leon Simmonds, (850)413-6382, leon.simmonds@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Leon Simmonds, (850)413-6382, leon.simmonds@dms.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

The Department of Business and Professional Regulation announces public meetings to which all persons are invited.

DATES AND TIME: January 25, 2017, 1:00 p.m.; January 26, 2017, 9:00 a.m.

PLACE: Florida Geological Survey, 3000 Commonwealth Blvd., Suite 1, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of the Board of Professional Geologists.

A copy of the agenda may be obtained by contacting: the Board of Professional Geologists.

DEPARTMENT OF HEALTH

Board of Dentistry

The Department of Health, Board of Dentistry, will hold a general business meeting to which all persons are invited.

DATE AND TIME: May 19, 2017, 7:30 a.m., ET

PLACE: DoubleTree by Hilton Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida 32812, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by visiting www.floridasdentistry.gov.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Persons requiring special accommodations due to disability or physical impairment should contact: the Board Office at (850)245-4474. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

The Board of Funeral, Cemetery, and Consumer Services, operating under Chapter 497, Florida Statutes, announces public meetings to which all persons are invited.

DATES AND TIMES: By teleconference: January 5, 2017, 10:00 a.m.; March 2, 2017, 10:00 a.m.; May 18, 2017, 10:00 a.m.; July 13, 2017, 10:00 a.m.; September 7, 2017, 10:00 a.m.; November 2, 2017, 10:00 a.m.

In-person meetings:

- Tallahassee: February 2, 2017, 10:00 a.m.; June 29, 2017, 10:00 a.m.; December 7, 2017, 10:00 a.m.
- Jacksonville: April 13, 2017, 10:00 a.m.
- Altamonte Springs: August 3, 2017, 10:00 a.m.
- Tampa: October 5, 2017, 10:00 a.m.

PLACE: The public may participate in teleconference meetings by calling (850)413-1558, conference code 318038 or by attendance at the Pepper Building, Suite 320, 111 W

Madison, Tallahassee FL, where Board staff will have a speaker phone connected to the teleconference by which the public can hear and address the Board.

In-person meetings of the Board will be held in the following locations:

- Tallahassee at Room 230A, Alexander Building
- Jacksonville at the DoubleTree by Hilton Jacksonville Airport, 2101 Dixie Clipper Drive
- Altamonte Springs at the Embassy Suites by Hilton Orlando North, 225 Shorecrest Drive
- Tampa at the DoubleTree by Hilton Tampa Airport Westshore, 4500 W Cypress Street

GENERAL SUBJECT MATTER TO BE CONSIDERED: Applications for license; disciplinary actions; applications for approval of change in ownership or control of existing licenses; reports by staff; approval of minutes of prior meetings.

A copy of the agenda may be obtained by contacting LaTonya Bryant at (850)413-3039. Any changes to the above meeting schedule will be published at least 10 days before the affected meeting, under the heading “Announcements,” on the Division’s webpage at www.myfloridacfo.com/Division/FuneralCemetery/.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: LaTonya Bryant at LaTonya.Bryant@myfloridacfo.com or (850)413-3039. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: LaTonya Bryant at LaTonya.Bryant@myfloridacfo.com or (850)413-3039.

REGION VII TRAINING COUNCIL

The CJSTC Region VII Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 19, 2017, 10:00 a.m.

PLACE: Valencia College School of Public Safety, 8600 Valencia College Lane - Conference Room 109, Orlando, FL 32835

GENERAL SUBJECT MATTER TO BE CONSIDERED: Trust Fund Budgets, CJSTC Rules and Criminal Justice Training.

A copy of the agenda may be obtained by contacting: James M. Lee, leejm@seminolestate.edu, (407)708-2316.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by

contacting: James M. Lee, leejm@seminolestate.edu, (407)708-2316. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

CONCRETE MASONRY EDUCATION COUNCIL

The Florida Concrete Masonry Education Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 8, 2016, 10:00 a.m.

PLACE: Teleconference: (650)479-3207, participant code: 198 408 186

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General discussion.

A copy of the agenda may be obtained by contacting: Meg Weber at mweber@fmsworks.com or by visiting www.floridamasonrycouncil.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: mweber@fmsworks.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

OTHER AGENCIES AND ORGANIZATIONS

Pasco County Engineering Services announces a public hearing to which all persons are invited.

DATE AND TIME: December 15, 2016, 5:00 p.m. – 7:00 p.m.

PLACE: First Congregational Church of Zephyrhills, 7900 Fort King Road, Zephyrhills, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Pasco County, in coordination with the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA), will conduct a Public Hearing for proposed improvements to the existing Overpass Road and Kossik Road segments, the connection of these segments on new alignment, and the addition of an interchange at Overpass Road with Interstate 75 in Pasco County, Florida. The study limits extend from Old Pasco Road to US 301 for a distance of 9.0 miles. Financial Project ID No. 432734-1

This public hearing is being conducted to give interested persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental effects of the proposed improvements. Draft project documents and other project-related materials will be on display for public review beginning at 5:00pm. Pasco County representatives will be available beginning at 5:00 p.m. to discuss the project and answer questions.

At 6:00 p.m., Pasco County representatives will begin the formal portion of the hearing, which will include a

presentation and a public comment period. Following the formal portion of the hearing, the informal open house will resume and continue until 7:00 p.m. A court reporter will record the formal portion of the public hearing, and will be available to receive comments in a one-on-one setting from 5:00 p.m. – 6:00 p.m. and after the formal hearing until 7:00 p.m. You may attend anytime during the two-hour meeting to review project information and talk with project team members.

Draft project documents will be available for public review from Wednesday, November 23, 2016 to Tuesday, December 27, 2016 at the following locations:

New River Branch Library, 34043 State Road 54, Zephyrhills, FL - Business Hours: Sunday, Monday closed; Tuesday 10:00 a.m. – 6:00 p.m.; Wednesday 11:00 a.m. – 6:00p.m.; Thursday 11:00 a.m. – 8:00 p.m.; Friday 11:00 a.m. – 5:00 p.m.; Saturday 11:00 a.m. – 4:00 p.m.

East Pasco Government Center, 14236 6th Street, Suite 203, Dade City, FL - Business Hours: Monday to Friday 8:00 a.m. – 5:00 p.m.

Persons wishing to submit written statements or other exhibits, in place of or in addition to oral statements, may do so at the hearing or they can be sent to: Kevin Sumner, Project Manager, Pasco County Engineering Services, 5418 Sunset Road, New Port Richey, FL 34652 or electronically to the project website at www.overpassroad.com. All exhibits or statements must be postmarked or emailed no later than Tuesday, December 27, 2016 to become part of the official public hearing record.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact: Kevin Sumner, Project Manager, (727)834-3604, at least seven (7) days prior to the meeting.

A copy of the agenda may be obtained by contacting: Kevin Sumner, Project Manager, Pasco County Engineering Services, 5418 Sunset Road, New Port Richey, FL 34652.

For information about this project, please contact: Kevin Sumner, Project Manager, at (727)834-3604 or ksumner@pascocountyfl.net.

**Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements**

NONE

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION
 Florida Atlantic University
 FAU - Student Union Expansion & Renovation
 A/E ADVERTISEMENT
 BT-685
 FAU STUDENT UNION EXPANSION AND
 RENOVATION
 Boca Raton Campus
 NOTICE TO PROFESSIONAL CONSULTANTS
 Florida Atlantic University, on behalf of its Board of Trustees, announces that Professional Services in the discipline of Architecture (with Engineering Consultants), will be required for the project listed below:
 Project No.: BT- 685

Project and Location: Located on Florida Atlantic University's Boca Raton Campus, the Student Union Expansion and Renovation project consists of site development and design of a state-of-the-art 1,000 seat banquet facility and renovation of approximately 13,000 GSF of the existing Student Union entry, lobby and first floor support spaces. Development of plazas, exterior student gathering spaces and enhanced landscaping will be part of the project scope. The total Construction Budget is estimated at \$17.4 million. The selected firm will provide program verification, site development, schematic design, design development, construction documents and construction administration for the referenced project. This facility is to be designed and constructed to a minimum LEED silver or equivalent standard. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Florida Atlantic University Professional Qualifications Supplement" (FAUPQS). Applications on any other form may not be considered. Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project. For this project, the location factor has been adjusted with a scale of 0-10 points based on proximity of the applicant's location to the project.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) sets and one (1) electronic copy of the above requested data bound in the order listed above along with an electronic PDF copy of the submittal. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for the State of Florida University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$35,000 in connection with this project for a period of 36 months from the date of their being placed

on the convicted vendor list. FAU Professional Qualifications Supplement and the Project Fact Sheet are available online at <http://www.fau.edu/facilities/avp/AE-CM-advertise-home.php> or by contacting the University's Sole Point of Contact for this project, Ms. Azita Dashtaki Dotiwala, Campus Planner, dashtaki@fau.edu. A copy of the approved facilities program will be provided to the shortlisted firms.

From the date of issuance of this Notice until a final selection of a consultant is made or a notice of cancellation is posted, the consultant must not make available or discuss its proposal, or any part thereof, with any employee or agent of the University, unless permitted by the Sole Point of Contact, in writing, for purposes of clarification only, as set forth herein.

Any individual associated with a consultant who contacts any other university employee, including but not limited to members of the Selection Committee, regarding any aspect of this project, who attempts to discuss the project with any representative of FAU other than the Sole Point of Contact, whether such contact be in person, telephone, or through electronic or written correspondence, may be determined to have violated the terms and conditions of this solicitation. If that determination is made, any proposal received from such an individual OR their company may be rejected as non-responsive and not subject to evaluation. If there are any changes or additions to the Sole Point of Contact information at any time in the process, participating consultants will be notified via an addendum to the Notice.

Questions regarding the Notice and/or process should be submitted via fax or email to the Sole Point of Contact. No oral communications shall be considered as a change to the Notice. FAU may respond to questions deemed by the University to be material in nature via a written addendum to the Notice. Interpretation of the wording of this document shall be the responsibility of the FAU and that interpretation shall be final.

All postings referred to in this Notice will be posted electronically on the FAU Facilities website: <http://www.fau.edu/facilities/avp/AE-CM-advertise-home.php>. At all times it shall remain the responsibility of the consultants participating in this solicitation to check the website for postings of addenda, short lists, and award decisions. No further notice will be given.

Five (5) bound sets and one (1) electronic copy of the required proposal data shall be submitted to: Design & Construction Services, Florida Atlantic University, 777 Glades Road, Campus Building Operations Bldg. #69-Room 111, Boca Raton, Florida 33431 by 4:00 p.m. local time on January 24, 2017.

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Barneys Motorcycle Sales, Inc. for the establishment of SHNG motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Value Group Enterprises, Inc., d/b/a SSR Motorsports intends to allow the establishment of Barneys Motorcycle Sales, Inc., as a dealership for the sale of motorcycles manufactured by Shandong Pioneer Motorcycle Co., Ltd. (line-make SHNG) at 10411 Gandy Boulevard, St. Petersburg, (Pinellas County), Florida 33702, on or after January 2, 2017.

The name and address of the dealer operator(s) and principal investor(s) of Barneys Motorcycle Sales, Inc. are dealer operator(s): Keith C. Wood, 675 Pinta Drive, Terra Verde, Florida 33715, Todd Hempstead, 11237 Winthrop Lake Drive, Riverview, Florida 33578 principal investor(s): Keith C. Wood, 675 Pinta Drive, Terra Verde, Florida 33715 Todd Hempstead, 11237 Winthrop Lake Drive, Riverview, Florida 33578.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jeff Li, Value Group Enterprises, Inc., 12825 Alondra Boulevard, Norwalk, California 90650.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Beach Boulevard Motorsports 2015 LLC for the establishment of SHNG motorcycles

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Value Group Enterprises, Inc., d/b/a SSR Motorsports intends to allow the establishment of Beach Boulevard Motorsports 2015 LLC, as a dealership for the sale of motorcycles manufactured by Shandong Pioneer Motorcycle Co., Ltd. (line-make SHNG) at 10315 Beach Boulevard, Jacksonville, (Duval County), Florida 32246, on or after January 2, 2017.

The name and address of the dealer operator(s) and principal investor(s) of Beach Boulevard Motorsports 2015 LLC are dealer operator(s): Andy Kent, 2236 Autumn Cove Court, Fleming Island, Florida 32003; principal investor(s): Andy Kent, 2236 Autumn Cove Court, Fleming Island, Florida 32003.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jeff Li, Value Group Enterprises, Inc., 12825 Alondra Boulevard, Norwalk, California 90650.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Classy Cycles, Inc. for the establishment of RIYA motorcycles

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peace Industry Group (USA), Inc., intends to allow the establishment of Classy Cycles, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Riya Motorcycle Co., Ltd. (line-make RIYA) at 13416 Front Beach Road, Panama City Beach, (Bay County), Florida, 32407, on or after January 3, 2017.

The name and address of the dealer operator(s) and principal investor(s) of Classy Cycles, Inc. are dealer operator(s): Colleen Swab, 13416 Front Beach Road, Panama City Beach, Florida 32407, principal investor(s): Colleen Swab, 13416 Front Beach Road, Panama City Beach, Florida 32407.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Meiredith Huang, Peace Industry Group (USA), Inc., 2885 Pacific Drive, # B, Norcross, Georgia, 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

FRF Powersports LLC for the establishment of BMW motorcycles

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BMW of North America LLC, intends to allow the establishment of FRF Powersports LLC, as a dealership for

the sale of motorcycles manufactured by BMW (line-make BMW) at 190 Interstate Court Southeast, Palm Bay, (Brevard County), Florida 32909, on or after January 2, 2017.

The name and address of the dealer operator(s) and principal investor(s) of FRF Powersports LLC are dealer operator(s): Felipe Ozi, 1300 Brickell Bay Drive, Apartment 1102, Miami, Florida 33131; principal investor(s): Felipe Ozi, 1300 Brickell Bay Drive, Apartment 1102, Miami, Florida 33131.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Adam Spencer, BMW of North America LLC, 200 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Gulfside Motorsports LLC establishment of SANY motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Alliance-Sym, Inc., intends to allow the establishment of Gulfside Motorsports LLC, as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co., Ltd. (line-make SANY) at 4237 US Highway 19, New Port Richey, (Pasco County), Florida 34652, on or after January 3, 2017.

The name and address of the dealer operator(s) and principal investor(s) of Gulfside Motorsports LLC are dealer

operator(s): Beth Tarchis, 4237 US Highway 19, New Port Richey, Florida 34652; principal investor(s): Beth Tarchis, 4237 US Highway 19, New Port Richey, Florida 34652.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Gene Chang, Alliance-Sym, Inc., 3788 Milliken Avenue, Suite C, Mira Loma, California 91752.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Section XIII

Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.